

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-807-2021

Date of Decision: 08.04.2021

Sachin Malhotra and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Parveen Chauhan, Advocate, for
Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

On 08.01.2021, the following order had been passed:-

“Case heard by video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between the petitioners and respondentx no.2 and 3, of FIR no. 176 dated 21.10.2018, registered at Police Station Division No. 5, District Police Commissioneriate Jalandhar, for the alleged commission of offences punishable under Sections 363/366-A/120-B of the IPC and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Upon query to learned counsel appearing on both sides as to why the offences punishable under the Prohibition of Child Marriage Act, 2006, should be quashed by this court, even in terms of the compromise reached, seeing the aims and objective of that Act and the fact that as per Section 15 of the said Act they are cognizable offences (though of course even the offences punishable under Sections 363 and 366-A of the IPC are also cognizable offences), learned counsel for the parties seek to address arguments by citing a judgment of this court.

On their request, adjourned to 18.01.2021.

It is to be observed at this stage that though otherwise this court would obviously be inclined to end litigation if the parties to the dispute themselves settle the matter and the offence otherwise is not one which would be against public interest, however, unless learned counsel for the parties can point out from the judgment that they wish to cite, as also from the aims and objectives/objects and reasons for the enactment of the aforesaid Act of 2006, that the said Act was not enacted in public interest to discourage (amongst other things), child marriage, it would seem to me that it would be in public interest to not quash proceedings under the said Act.”

Thereafter on 24.02.2021, the following order had been recorded:-

“Learned counsel for the parties would address arguments as to how, with respondent no. 3 admittedly being below 18 years of age at the time of the marriage, criminal proceedings in the context of Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, can be quashed, which at least, in the opinion of this court, (prime facie at this stage), are enacted as a deterrent (amongst other reasons) to try and prevent a child marriage.

Of course the judgment of the Supreme Court in Hardev Singh vs. Harpreet Kaur and others (CRA no.1331 of 2013 decided on 07.11.2019), would be referred to by learned counsel on all sides, other than any other judgments that they wish to cite.

Adjourned to 16.03.2021”

On 16.03.2021, counsel for the petitioner had sought an adjournment through the coordinator of the video conference, with the matter therefore adjourned till today and it made clear that if counsel for the petitioners makes any request for an adjournment, the matter would be considered on merits and decided by this court.

When this court was in the process of actually deciding the case on merits, even in terms of the judgment of the Supreme Court aforesaid,

learned counsel for the petitioners submits that he has in fact instructions from Mr. Gupta, who has taken ill today, to withdraw the petition.

Dismissed as withdrawn.

Naturally, the parties would be at liberty to raise all pleas that are available to them before the learned trial court, with the report under Section 173 of the Cr.P.C. already having been submitted.

(AMOL RATTAN SINGH)
JUDGE

08.04.2021

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Whether speaking/non-speaking	:	Yes
Whether reportable	:	No