

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

231

CRM-M-2550-2019

Date of Decision : 12.05.2023

Ajay and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.R.K.Agnihotri, Advocate
for the petitioners.

Mr. Ashish Bishnoi, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Section 482 Cr.P.C., are seeking quashing of FIR No.316 dated 19.12.2018, under Sections 363 and 366-A of IPC, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. Learned counsel for the petitioners *inter alia* contends that petitioner No.1 solemnised marriage with Heena @ Priyanka i.e. daughter of respondent No.2 on 14.09.2018 according to Hindu rites and ceremonies. The marriage was solemnised against the wishes of parents of Heena @ Priyanka. The petitioner No.1 and Heena @ Priyanka filed CRM-M-41014-2018 before this Court seeking and were granted protection of their lives and liberty. The parents of the girl filed CRWP-830 of 2018 before this Court seeking her custody. Heena @ Priyanka appeared before this Court and refused to join company of her parents. The parents opted to withdraw

CRWP-830 of 2018 and this court vide order dated 30.06.2019 dismissed the petition as withdrawn. The petitioner No.1 and his wife-Heena @ Priyanka since marriage are staying together and they are blessed with two children. The petitioner No.1 and Heena @ Priyanka are happily staying together and both are present in Court. There seems no reason to continue criminal proceedings against him.

3. In support of his contention, learned counsel for the petitioners relies upon the judgments passed by this Court in CRM-M-24567-2018 titled as "Jaspal Singh vs. State of Punjab and others, CRM-M-6312-2023 titled as "Rahul @ Rinku and another vs. State of Punjab and others, CRM-M-5992-2023 titled as "Tek Chand vs. State of Punjab and others and CRM-M-13801-2019 titled as "Vivek vs. State of Haryana and others.

4. Learned State counsel on instructions from Investigating Officer does not dispute the afore-stated factual position.

5. The petitioner No.1 and Heena @ Priyanka are present in Court who stand identified by counsel for the petitioners.

6. I have heard the arguments of learned counsel for the parties and perused the record.

7. This Court has quashed similar FIR(s) on the same set of grounds. This Court in CRM-M-13801-2019 titled as "Vivek vs. State of Haryana and others has held:

“7. In Indian culture, irrespective of caste and religion, marriage is neither compromise nor a contract but it is a sacrosanct knot of two families. It is not physical meeting of two persons of opposite sex whereas it is most important & pious institution of our society where two families become one. Importance of marriage further finds support from the fact that a child from a couple without marriage is not as

recognised as a child from a duly wedded couple.

8. *Object of law whether customary, religious or made by legislature, is to protect life and liberty of every human being. Object of law is not to disturb settled life of anyone without his fault. A man can be punished for commission of an offence, however, he cannot be punished just because his act is not liked by anyone else.*

9. *In the case in hand, the parties are major and they have performed marriage though against the wish of their parents. They are happily cohabiting and no one including courts and law enforcing agencies have right to disturb their life without their fault. They have right to live their life in the way and manner they like. They are blessed with one child. With a pending criminal case, nobody can lead a happy life. State has no right to interfere in the life of a duly married couple. Continuance of criminal proceedings is not only going to disturb life of the petitioner but also there are all possibilities of disturbance in life of victim and their child. Our State is a welfare State, however, there is no mechanism to provide accommodation, food and other basic daily needs to the dependent of a convicted person. In our country, except stray cases of urban population, it is man who is earning and taking care of his wife and children.*

10. *Keeping in mind above facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Thus, FIR No.43 dated 24.01.2019 (Annexure P-1) registered under Sections 363, 366-A, 420, 468, 471, 506 and 201 of IPC and Section 3(2)(v) of SC/ST Act registered at Police Station Meham, District Rohtak and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner."*

8. In the case in hand, petitioner No.1 and daughter of respondent No.2 solemnised marriage on 14.09.2018 i.e. almost 5 years back and they are happily cohabiting. The couple is blessed with two children.

9. The case of the petitioners is squarely covered by different

orders passed by this Court, thus, this petition deserves to be allowed and accordingly allowed.

10. FIR No.316 dated 19.12.2018, under Sections 363 and 366-A of IPC, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar is hereby quashed qua the petitioners.

12.05.2023
anju

(**JAGMOHAN BANSAL**)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>