

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

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CRM-M-6312-2023

Date of Decision : 17.02.2023

Rahul @ Rinku and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Akash Manocha, Advocate
for the petitioners.

Mr. Amish Sharma, Asstt. A.G., Punjab.

Mr. Gourav B. Gilhotra, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition is seeking quashing of FIR No.94, dated 24.04.2022 (Annexure P-1), registered at Police Station Salem Tabri, Ludhiana, under Sections 363/366-A of IPC.

2. The case of prosecution is that Md. Mansoor Alam-respondent No.2 lodged a complaint with police averring that he has five children. His daughter namely Raziya @ Jyoti who teaches at BTL School, Noorwalan Road, Ludhiana stopped going to school from 03.04.2020 and started residing at home. On 14.04.2022, while he was on work, he received a call from his wife that Rahul @ Rinku has taken away their daughter with intent to solemnize marriage with her.

The petitioner and respondent No.3 solemnized marriage and filed CRWP No.57 of 2023 before this Court seeking protection of their lives and liberty. The age of girl was declared 19 years and age of boy was declared more than 21 years. This court vide order dated 06.01.2023

directed the Commissioner of Police, Ludhiana to look into representation of the petitioners therein qua threat perception and take necessary steps in accordance with law.

3. The petitioner and respondent No.3 are present in Court and their respective counsel have identified them.

4. Learned counsel for the petitioners, *inter alia*, submits that on 30.12.2022, petitioner No.1-Rahul @ Rinku has solemnized marriage with respondent No.3-Raziya @ Jyoti who is daughter of the complainant. They have filed CRWP-57-2023 before this Court seeking protection of life and liberty. This Court vide order dated 06.01.2023 has directed the Commissioner of Police, Ludhiana to look into the representation of the petitioners.

5. Learned counsel for respondent No.3 (prosecutrix) *inter alia* submits that it is factually correct that respondent No.3/prosecutrix has solemnized marriage with petitioner No.1 and she at the time of her marriage was major. They are staying together and impugned FIR may ruin their family life.

6. Learned State counsel on instructions from ASI Raj Kumar submits that it is factually correct that the petitioner and respondent No.3 have solemnized marriage and at present, respondent No.3 is on her family way.

7. 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.

8. In the case in hand, the parties are major and they have performed marriage though against the wishes of their parents. They are happily cohabiting and no one including Courts and law enforcing agencies have right to disturb their lives without their fault. They have right to live their lives in the way and manner they like. Couple is on its family way. 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 of life of respondent No. 3 and their unborn kid. 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.

9. Keeping in mind above facts and circumstances, this court is of the considered opinion that present petition deserves to be allowed and accordingly allowed.

(JAGMOHAN BANSAL)
JUDGE

17.02.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No