

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

123

CRM-M-12788-2018

Date of Decision : 25.05.2023

Jeewan Lal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the petitioner.
Ms.Guramrit Kaur, DAG, Punjab.
None for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C., is seeking quashing of FIR No.18 dated 29.03.2017, under Sections 363, 366 and 366-A of IPC, registered at Police Station Taragarh, District Pathankot.
2. The brief facts of the case emerging from record and which are necessary for adjudication of the present petition are that the petitioner and Neeraj Kumari @ Neeraj Devi daughter of Darshan Lal fell in love and they solemnized marriage on 10.03.2018. The petitioner and Neeraj Kumari filed a petition i.e. CRM-M-10581-2018 before this Court seeking protection of their lives and liberty. This Court vide order dated 13.03.2018 disposed of said petition with a direction to SSP, Pathankot to look into the grievances of the petitioners and to take necessary measures to ensure that life and liberty of the petitioners are not jeopardized at the hands of private respondents. Father of the girl lodged impugned FIR under Sections 363, 366 and 366-A of IPC.

3. Reply dated 03.07.2019 by way of affidavit of Sucha Singh, PPS, Deputy Superintendent of Police, Rural, Pathankot, is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel on instructions from ASI Balbir Singh confirms that the petitioner and daughter of respondent No.2 have solemnized marriage and they are staying together. She further confirms that couple is blessed with two children and they are not involved in any other crime.

5. Despite repeated opportunities, there is no representation on behalf of respondent No.2. This Court is left with no other option except to adjudicate the present petition with the able assistance of learned State counsel.

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, the petitioner and daughter of respondent No.2 solemnised marriage on 10.03.2018 i.e. almost 5 years back and they are happily cohabiting. The couple is blessed with two children.

9. The case of the petitioner is squarely covered by different orders passed by this Court, thus, this petition deserves to be allowed and accordingly allowed.

10. FIR No.18 dated 29.03.2017, under Sections 363, 366 and 366-A of IPC, registered at Police Station Taragarh, District Pathankot is hereby quashed qua the petitioner.

25.05.2023

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(JAGMOHAN BANSAL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No