

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

132+263

CRM-M-13801-2019 (O&M)

Date of Decision: 29.03.2023

Vivek

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Lalit Kumar, Advocate for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

Mr. Rahul Makkar, Advocate for the complainant
for respondent No.2/complainant

JAGMOHAN BANSAL, J. (ORAL)**CRM-12882-2023**

Application for placing on record Annexures P-5 to P-9 is allowed. The same are taken on record subject to just exceptions. Registry is directed to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-13801-2019

1. The petitioner through instant petition under Section 482 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking quashing of FIR No.43 dated 24.01.2019 (Annexure P-1) registered under Sections 363, 366-A, 420, 468, 471, 506 and 201 of Indian Penal Code, 1860 (for short 'IPC') and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') registered at

Police Station Meham, District Rohtak and all consequential proceedings arising therefrom.

2. The case of prosecution is that complainant-respondent No.2 lodged a complaint against Vivek-petitioner and his family members alleging that by hatching conspiracy, they have allured and enticed away his minor daughter. They have forged date of birth of his daughter and petitioner has solemnized marriage with his daughter. The petitioner and victim solemnized marriage on 26.11.2018 in a temple in Rohtak according to Hindu rites and customs.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has solemnized marriage with prosecutrix (daughter of the complainant) on 26.11.2018 and they have been blessed with one child. The prosecutrix and her father(complainant) appeared before the Trial Court for their examination and they have not supported the case of prosecution. They have categorically supported case of the petitioner. The Sub-Divisional Judicial Magistrate, Meham, recorded statement of prosecutrix on 22.02.2019 wherein she categorically stated that she had solemnized marriage with the petitioner and they have sought protection from Court. She wants to stay with her husband.

4. Learned State counsel on instructions from Investigation Officer does not dispute the fact that the petitioner and victim have solemnized marriage and they are blessed with one child. She further confirms that respondent No.2 appeared before the Court and did not support case of the prosecution.

5. Learned counsel for respondent No.2/complainant, *inter alia* submits that victim is staying with the petitioner and they have solemnized marriage. He confirms that couple is blessed with one child and further submits that respondent No.2/complainant has no objection, if the present FIR is quashed.

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

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.

(JAGMOHAN BANSAL)
JUDGE

29.03.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No