

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16863-2020 (O&M)

Date of Decision:18.05.2023

NASEEM

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Mazlish Khan, Advocate
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

Ms. Palvi, Advocate for
Mr. R.K. Lathwal, Advocate
for respondent No.4.

Mr. Nasir Jamal, Advocate for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C., is seeking quashing of FIR No.125 dated 08.05.2020 (Annexure P-2) under Sections 365, 376D, 506 and 188 of IPC, and Section 6 of POCSO Act, registered at Police Station Pinangwan, District Nuh and all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioner *inter alia* contends that petitioner according to Muslim rites and ceremonies has performed marriage with respondent No.4. The marriage was performed in the year 2020 and at present they are happily staying together. Continuation of FIR would spoil life of petitioner as well as respondent No.4.

3. The parties were directed to appear before the Trial Court to

tender their statements. As per report of JMFC Camp Court, Punhana, the petitioner and respondent No.4 have performed marriage. The marriage was performed in the year 2020.

4. 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.

5. Learned State counsel on instruction from Investigating Officer and learned counsels for respondents No.4 and 5 submitted that they have no objection if FIR and consequent proceedings, are quashed.

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.5 solemnized marriage in the year 2020 i.e. almost 3 years back and they are happily cohabiting.

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. In view of above facts and circumstances, the present petition deserves to be allowed and accordingly allowed.

11. FIR No.125 dated 08.05.2020 (Annexure P-2) under Sections 365, 376D, 506 and 188 of IPC, and Section 6 of POCSO Act, registered at Police Station Pinangwan, District Nuh and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

12. Pending application, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.05.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>