

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

308

CRM-M-30242-2021

Date of Decision : 25.05.2023

Kulwant Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Piyush Sharma, Advocate
for the petitioners.

Mr. Kulbir Singh, AAG, Punjab.

Mr.Jaswinder Singh Grewal, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Section 482 Cr.P.C., are seeking quashing of FIR No.145 dated 29.07.2020 (Annexure P-1), under Sections 363, 366-A and 120-B of IPC, registered at Police Station Sadar Ferozepur, District Ferozepur.

2. The brief facts of the case emerging from record and which are necessary for adjudication of the present petition are that the petitioner No.1 and respondent No.3 solemnized marriage in the month of June, 2020. They filed a petition before Sessions Court, Ferozepur seeking protection of their lives and liberty. After recording statements of both the parties, the Additional Sessions Judge, Ferozepur vide order dated 30.06.2020 disposed of said petition with a direction to police authorities to protect the lives and liberty of

the petitioner No.1 and respondent No.3 and also ordered to send them to protection home.

3. Learned counsel for the petitioner submits that the petitioner No.1 and respondent No.3 have solemnized marriage and they are happily staying together. No offence is made out against them and pending trial would ruin their married life.

4. In support of his contention, learned counsel for the petitioner 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. Status report dated 26.10.2022 by way of affidavit of Surinder Pal, PPS, Deputy Superintendent of Police, Ferozepur, is taken on record. Registry is directed to tag the same at appropriate place. Learned State counsel confirms that couple is blessed with two children and they are not involved in any other crime.

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 No.1 and respondent No.3 solemnised marriage in the month of June, 2020 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.145 dated 29.07.2020, under Sections 363, 366-A and 120-B of IPC, registered at Police Station Sadar Ferozepur, District Ferozepur is hereby quashed qua the petitioners.

(JAGMOHAN BANSAL)
JUDGE

25.05.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No