

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

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**CRM-M-27765-2019
Date of Decision: 10.05.2023**

Anmoldeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ritesh Pandey, Advocate
for the petitioner.

Ms.Guramrit Kaur, DAG, Punjab.

Mr. Vinod Pundhi, Advocate for
Mr. Manoj Kuamr, Advocate
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.71 dated 09.05.2019, under Sections 363 and 366-A of IPC, registered at Police Station Mehta, District Amritsar.
2. The case of prosecution is that the complainant lodged a complaint alleging that the petitioner enticed prosecutrix on the pretext of marriage. The petitioner thereafter solemnised marriage with respondent No.2. Mother of the victim lodged complaint with police authorities.
3. Learned counsel for the petitioner *inter alia* contends that petitioner solemnised marriage with respondent No.2 on 10.03.2019. The respondent No.2 filed CRM-M-11583 of 2019 before this Court seeking protection of her life and liberty. This Court vide order dated 13.03.2019

disposed of said petition with a direction to official respondent to ensure that life and liberty of girl is protected by providing her adequate protection. The couple is blessed with a child and at present they are happily staying together. In view of these facts, the impugned FIR deserves to be quashed.

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. Learned State counsel on his instructions does not dispute the fact that the petitioner and victim have solemnised marriage and are happily residing together and blessed with a child.

6. The only allegation against the petitioner is that he had enticed prosecutrix and solemnised marriage with prosecutrix against the wishes of her parents.

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

8. 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.”*

9. In the case in hand, the petitioner and prosecutrix solemnised marriage on 10.03.2019 i.e. almost 4 years back and they are happily cohabiting. The couple is blessed with a child.

10. 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.

11. FIR No.71 dated 09.05.2019, under Sections 363 and 366-A of IPC, registered at Police Station Mehta, District Amritsar is hereby quashed qua the petitioner.

(JAGMOHAN BANSAL)
JUDGE

10.05.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No