

CRM-M-57645-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57645-2022
Date of Decision: 11.04.2023

Gurpreet Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kamal Narula, Advocate for the petitioner
Mr. Amish Sharma, AAG, Punjab
Mr. Munish Gulati, Advocate for respondent No.3 with
Priyanka, respondent No.3 (present in person)

JAGMOHAN BANSAL, J. (ORAL)

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.21 dated 18.04.2021 (Annexure P-1) under Sections 363 & 366-A of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Amir Khas, District Fazilka and all subsequent proceedings arising therefrom.

2. Mr. Munish Gulati, Advocate appeared and filed his Power of Attorney on behalf of respondent No.3. The same is taken on record.

3. The case of prosecution is that complainant-respondent No.2 lodged a complaint against Gurpreet Singh-petitioner alleging that he in connivance with his family members have allured and enticed his minor daughter. The petitioner has solemnized marriage with his daughter on 16.09.2021 in Gurudwara Sahib at village Badalke according to Sikh rites and customs.

4. Learned counsel for the petitioner *inter alia* contends that petitioner has solemnized marriage with prosecutrix (daughter of the complainant) on 16.09.2021 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 case of the prosecution. They have categorically supported case of the petitioner. The Sessions Judge, Fazilka recorded statement of prosecutrix on 07.11.2022 wherein she categorically stated that she had solemnized marriage with the petitioner and they have sought protection from Court. She is happily staying with her husband i.e. petitioner. She is blessed with a female child.

5. 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. He further confirms that respondent No.2 appeared before the Trial Court and did not support case of the prosecution.

6. Learned counsel for respondent No.3, on instructions from respondent No.3-Priyanka who is present in Court, *inter alia* submits that respondent No.3 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.3 has no objection, if the present FIR is quashed.

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

8. 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 recognized as a child from a duly wedded couple.

9. 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.

10. 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.

11. 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.21 dated 18.04.2021 (Annexure P-1) under Sections 363 & 366-A of IPC registered at Police Station Amir Khas, District Fazilka and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

(JAGMOHAN BANSAL)
JUDGE

11.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>