

CRM-M-30948-2024
Date of decision: 30.07.2024

...PETITIONER

UT OF CHANDIGARH AND ANOTHER

...RESPONDENTS

Present: Ms. Armaan Saggar, Advocate for the petitioner.

Mr. Ankur Bali, Addl. P.P., Chandigarh.

Mr. Jonny, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.50 dated 07.05.2024 registered under Section 376 (2) of IPC at Police Station North, District Chandigarh (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of marriage certificate dated 09.06.2024 (Annexure P-2).

2. On 02.07.2024, the following order was passed :

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.50 dated 07.05.2024 under Section 376 (2) of IPC registered at Police Station North, District Chandigarh (Annexure P-1) along with subsequential proceedings arising therefrom on the basis of marriage certificate (Annexure P-2).

Learned counsel for the petitioner inter alia contends that petitioner and respondent No.2 have performed love marriage on 06.07.2024 as they were having love and affection for each other after registration of the FIR (supra) on 07.05.2024 and both of them are now cohabiting together as husband and wife. Reliance has been placed upon the judgment of the Hon'ble Supreme Court



passed in 'K. Dhandapani Vs. The State by The Inspector of Police' 2022 SCC Online SC 1056 and full Bench judgment of the Delhi High Court passed in 'Lajja Devi Vs. State' 2012 (4) CCR 72.

Notice of motion.

At this stage, on the asking of the Court, Mr. Ankur Bali, Addl.P.P., U.T. Chandigarh, accepts notice on behalf of respondent No.1-U.T. Chandigarh and Mr. Johnny, Advocate accepts notice for respondent No.2 and files his vakalatnama and submits that he has no objection in case, the FIR (supra) is quashed as it will hamper the matrimonial life of respondent No.2. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Learned State counsel seeks time to verify the factum of marriage between the parties and to file a short reply, in this regard.

Adjourned to 19.07.2024."

3. In compliance of aforesaid order, learned State counsel affirms the factum of marriage of petitioner and respondent No.2 and submits that they are cohabiting peacefully together as husband and wife.

4. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner and respondent No.2 were well acquainted with each other as sister of respondent No.2 is married to the brother of the petitioner. The couple had consensually solemnized marriage on 06.06.2024, as reflected by the marriage certificate (Annexure P-2). The petitioner and respondent No.2 are happily residing with each other as husband and wife. If the criminal proceedings against the petitioner allowed to continue, the marital life of the couple would unjustly be disturbed and leave respondent No.2 bereft of financial and emotional support. Thus, no useful purpose would be served by continuing the proceedings as the chances of conviction are abysmal. The continuance of the



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present proceedings in the present case would be nothing but wastage of valuable judicial time, especially, when the Courts are already over-burdened.

5. Accordingly, the present petition is allowed and the FIR No.50 dated 07.05.2024 registered under Section 376 (2) of IPC at Police Station North, District Chandigarh (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

July 30, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No