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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32353-2024 (O&M)
Date of decision: 25.07.2024

Sachin @ Chinu

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rose Gupta, Advocate,
Ms. Yashika Walia, Advocate,
Ms. Garima Modi, Advocate,
Ms. Hardeep Kaur, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Sandeep Kotla, Advocate
for respondent No.2.

Mr. Deepak Jaglan, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition under has been filed Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.60 dated 11.02.2021 under Sections 363 & 366-A of the Indian Penal Code, 1860 (for short 'IPC') (later on added Sections 376(3), 376(2)(n), 506 of IPC and

Section 6 of the Protection of Children from Sexual Offences Act, 2012), registered at Police Station HTM, Hisar (Annexure P-1) and all the subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner and respondent No.3 were in consensual relationship, as they were having love and affection for each other. Their relationship was opposed by family of respondent No.3 and as such, both eloped and performed love marriage. Thereafter, the petitioner and respondent No.3 approached this Court by way of filing CRWP-6656-2023 seeking protection to their lives and liberty and the same was decided on 19.07.2023. Their marriage certificate is available on record as Annexure P-7 and now both are cohabiting together as husband and wife. Learned counsel for the petitioner further submits that since the petitioner and respondent No.3 have solemnized the marriage with free will and are peacefully leading their matrimonial life together, the offences under Sections 363 & 366-A of IPC cannot be made out and therefore, continuation of proceedings in FIR (*supra*) would be an abuse of process of law. Learned counsel places reliance on the following:

Sr. No.	Case Title	Court
1.	<i>K. Dhandapani Vs. The State, 2022(2) R.C.R. (Criminal) 987</i>	<i>Hon’ble Supreme Court</i>
2.	<i>Ananda D.V. Vs. State and others, 2021(OLR) 1074</i>	
3.	<i>Kapil Gupta Vs. State of NCT of Delhi and others, 2022(4) R.C.R.(Criminal) 497</i>	

4.	<i>Jatin Aggarwal Vs. State of Telangana and others, 2022(2) R.C.R. (Criminal) 603</i>	
5.	<i>Ranjeet Kumar Vs. State of H.P. and others, MANU/HP/2314/2013</i>	<i>Himachal Pradesh High Court (DB)</i>
6.	<i>Narinder Kaur @ Ninder Kaur and others Vs. State of Punjab and others, CRM-M-41204-2020</i>	<i>Punjab and Haryana High Court</i>
7.	<i>Ashik Ramjan Ansari Vs. The State of Maharashtra and others, 2023 CriLJ 3633</i>	<i>Bombay High Court</i>
8.	<i>Sabari Vs. Indpector of Police, Belukurichi Police Station and others, 2019(3) R.C.R (Criminal) 452</i>	<i>Madras High Court</i>
9.	<i>Jitender Kumar Sharma Vs. State and others, 2010(4) R.C.R.(Criminal) 20</i>	<i>Delhi High Court (DB)</i>
10.	<i>Skhemborlang Suting and others Vs. State of Meghalaya and others, MANU/MG/0054/2022</i>	<i>Meghalaya High Court</i>
11.	<i>Tarun Vaishnav Vs. State of Rajasthan and others, MANU/RH/16181/2022</i>	<i>Rajasthan High Court</i>
12.	<i>Kundan and another Vs. State and others, CrI.M.C. 27/2022</i>	<i>Delhi High Court</i>
13.	<i>Devendranath Vs. State of U.T. Chandigarh and Others, CRM-M-23281-2023</i>	<i>Punjab and Haryana High Court</i>

3. Learned State counsel, assisted by learned counsel for respondent No.2 as well as learned counsel for respondent No.3, on instructions from the Investigating Officer, submits that the petitioner and respondent No.3 are happily cohabiting together as husband and wife.
4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds merit in the present petition.
5. From perusal of the record, it transpires that now the petitioner and

respondent No.3 have performed marriage and they are cohabiting together as husband and wife happily. In her statement recorded under Section 161 Cr.P.C., respondent No.3 stated that she do not want to go with her family members and wants to continue her matrimonial life with the petitioner. If the criminal proceedings against the petitioner are allowed to continue, it will not only lead to unnecessary incarceration of the petitioner, but also leave respondent No.3 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 present proceedings in the present case would be nothing but wastage of valuable judicial time, especially, when the Courts are already overburdened.

6. Keeping in view the aforementioned facts and circumstances of the case, present petition is allowed and No.60 dated 11.02.2021 under Sections 363 & 366-A IPC (*later on added Sections 376(3), 376(2)(n), 506 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012*), registered at Police Station HTM, Hisar and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

25.07.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No