

(2012) 09 P&H CK 0073

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-15189 of 2012 (O and M)

Kala Singh @ Varinder Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2012) 09 P&H CK 0073

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : F.S. Virk, for the Appellant; P.S. Paul, DAG, Punjab, Respondent No. 3 is Present in Person, for the Respondent

Final Decision : Allowed

Judgement

Sabina, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure, 1973 for quashing FIR No. 57 dated 13.3.2002 (Annexure P-1), under Sections 363, 366 /A of the Indian Penal Code, 1860 ("IPC" for short) registered at Police Station Jandiala Guru, Amritsar Rural District Amritsar and all the subsequent proceedings arising wherefrom. Respondent No. 2 has refused to accept notice.

2. Respondent No. 3 is present in person and has stated that she has performed marriage with petitioner No. 1 of her own free will and is presently residing with him.

3. A perusal of the order dated 9.4.2012 (Annexure P-2) reveals that petitioner No. 1 and respondent No. 3 had filed a complaint before the Punjab State Human Rights Commission, wherein, the following order was passed:-

In his application dated 9.4.2012 prays that in the complaint, Police Commissioned, Amritsar may be replaced for respondent No. 1-SSP Tarn Taran.

Allowed.

This joint complaint has been filed u/s 12 of the Protection of Human Rights Act 1933 by Kinder Kaur d/o Subegh Singh, complainant No. 1 and her husband Varinder Singh son of Girdara Singh complainant No. 2 through their counsel Mr. D.S. Nigha, Advocate against respondents seeking directions of the commission to respondents 1-2 to protect their lives and liberty at the hands of respondent Nos. 3-7.

The complainants have averred that they have attained the ages of majority for solemnizing marriage under the Hindu Marriage Act with Hindu religious rites in a temple in District Mohali. Since then, they are living as husband and wife and there is valid under Hindu law. They have annexed with their complaint documents showing their dates of birth and rituals performed at the time of their marriage. Respondents No. 3-7 relatives of complainant No. 1 are opposed to their marriage. They are hurling threats to eliminate the complainant.

Without going the legality or otherwise of the marriage, Commission of Police, Amritsar is called upon to provide protection to the complainants after examining the threat perception in accordance with law in case they approach him for this purpose as it is the primary duty of the state to protect their lives and liberty.

A copy of this order be given dasti to the counsel for the complainants for information.

4. Since respondent No. 3 has got married with petitioner No. 1 of her own free will, continuation of criminal proceedings against the petitioners would be nothing but an abuse of process of law. Accordingly, the present petition is allowed. FIR No. 57 dated 13.3.2002 (Annexure P-1), under Sections 363, 366 / A IPC registered at Police Station Jandiala Guru, Amritsar Rural District Amritsar and all the subsequent proceedings, arising therefrom, are quashed.