

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CRIMINAL APPLICATION No. 676 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE MD SHAH

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SOLANKI (RAJPUT) RAJU ALIAS PROMODKUMAR SHYAMLAL & 1 -  
petitioner(s)  
Versus  
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR YV BRAHMBHATT for petitioner(s) : 1 - 2.  
MR KP RAVAL PUBLIC PROSECUTOR for Respondent(s) : 1,  
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE MD SHAH

Date : 30/04/2007

ORAL JUDGMENT

1.0 By way of this petition, the petitioners have prayed to quash and set aside criminal compliant being I-C.R. No.25 of 2007 registered with Meghaninagar Police Station.

2.0 The brief facts of the case are that petitioner No.2 left her parental home on 14.02.2007 with a view to marry petitioner No.1. Respondent No.3, therefore, filed the impugned

complaint. The petitioners got married at Arya Samaj, Gandhinagar on 15.02.2007. Hence, being aggrieved with the action of respondent No.3, the petitioners have preferred the present petition.

3.0 Learned Advocate for the petitioners has submitted that since both the petitioners are adult and have now got married, the impugned complaint deserves to be quashed and set aside.

3.1 In support of his case learned Advocate has placed reliance on a decision of the Hon'ble Apex Court in the case of **"Lata Singh Vs. State of Uttar Pradesh & Anr."** reported in 2007(1)G.L.H. 41 wherein it has been held that once a person becomes major, he or she can marry whosoever he or she likes and that there is no bar to an inter-caste or inter-religious marriage under the law and when a young man and woman, who undergo inter-caste or inter-religious marriage, are threatened with violence or violence is actually committed on them, such acts of violence

or threats or harassment are wholly illegal and those who commit them must be severely punished.

4.0 Heard Mr. Brahmabhatt, learned Advocate for the petitioners and Mr. Raval, learned APP on behalf of respondent-State. Though, served none appears on behalf of respondent No. 3. On perusal of the record it appears that since respondent No.3 was pressuring petitioner No.2 to marry with the persons of his choice, petitioner No.2 left her parental home on her own wish and will on 14.02.2007, with a view to marry petitioner No.1. The fact that the petitioner No.1 and No.2 got married on 15.02.2007 is not in dispute. In support of the same, the petitioners have produced marriage certificate issued by Arya Samaj, Gandhinagar.

4.1 Apart from that from the documents produced at Annexure-A to this petition it transpires that the date of birth of petitioner No.1 is 15.03.1983 and that of petitioner No.2 is

04.02.1989 respectively, meaning thereby when the alleged offence took place both petitioner No.1 and No.2 were major. Hence, in view of the fact that the petitioners are major and have now got married and are staying together, it would not be appropriate to compel petitioner No.1 to face the proceedings in connection with the complaint filed against him by respondent No.3.

4.2 Hence, taking into consideration the facts and circumstances of the case and in view of the principle laid down by the Hon'ble Apex Court in the case of "**Lata Singh**"(Supra) this application deserves to be allowed.

5.0 In the result, the application is allowed. The criminal complaint being I-C.R. No.25 of 2007 registered with Meghaninagar Police Station is hereby quashed and set aside. Rule is made absolute.

(M.D. Shah,J.)

Umesh/