

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.29093-2015 (O&M)
Date of decision : 24.09.2015**

Neetu and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhishek Sethi, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Karan Bhardwaj, Advocate
for respondent No.5.

Mr. A.S.Virk, Addl. P.P. for U.T., Chandigarh.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 482 of the Cr.P.C. is for issuance of a direction to the official respondents to protect the life and liberty of the petitioners and not to harass them at the instance of respondent Nos.5 to 7.

Learned counsel appearing on behalf of the father of petitioner

No.1 has vehemently opposed the grant of protection. As per him it has

now been established that the petitioner No.1 is a minor and has in fact filed a false affidavit.

Learned counsel for the petitioners on the other hand has relied upon the judgment of this Court in “Neelam Rani and another Vs. State of Haryana and others” 2011 (1) RCR (Civil) 636 to contend that in an identical situation, petitioners were granted protection.

Learned counsel for respondents No.4 and 5 has relied upon the Full Bench judgment of Madras High Court in “*T. Sivakumar Vs. The Inspector of Police, Thiruvallur Town Police Station, Thiruvallur District and others, 2012(4) RCR (Civil) 862*”. As per him the Full Bench has held that in such a case the custody of the minor could not be given to the so called husband and therefore has prayed that the petitioner No.1 should be kept in Nariniketan/Protection Home till the time of her majority.

I am afraid that the prayer made by learned counsel for the respondent No.5 does not appeal to me. Once I am bound by the decision passed in Neelam Rani's case, it would not be appropriate for me to pass an order which would end up virtually imprisoning the petitioner No.2. In the circumstances, even while understanding the predicament and state of mind of the respondent No. 5, in my considered opinion, his plea has to be rejected. Further it would not be appropriate for me to pass any order or judgment declaring that the petitioner No.2 can or cannot be the guardian of petitioner No.1. Further in the case of *Neelam Rani (supra)* this Court held that where the girl who though minor has attained the age of discretion and is on the verge of attaining of attaining majority; herself get married, cannot

be denied protection.

Today the petitioner No.1 has met with her father-respondent No.5 in my chamber and the petitioner No.1 has again reiterated that she want to live with her husband.

Learned Assistant Advocate General states that no representation has been moved for protection.

In this view of the matter, without adverting to the merits of the controversy, the present petition is disposed of with a direction to U.T. Chandigarh to release the petitioners from Protection Home. The respondent No.2, the Superintendent of Police, Yamuna Nagar is directed to treat this petition as representation and to ensure safety of the couple.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

A copy of this order be given dasti to the learned Assistant Advocate General as well as to the learned Standing Counsel for the U.T. Chandigarh under the signatures of the Bench Secretary.

September 24, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**