

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

CRM-M-36840-2015

Date of Decision : 11.12.2015

Jagroop Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Gurmeet Singh, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Ms.Sunita Nambiar, Advocate for respondents No. 4 and 5.

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.4 and 5.

The petitioners want to marry each other against the wishes of their parents. Petitioner No.2 was 17 years and 24 days of age at the time of filing of this petition as per the extract of the Character Certificate (Annexure P-2) placed on the record wherein her date of birth is mentioned as 03.10.1998. At present she is 17 years and 2 months of age. On the other hand in support of his proof of age petitioner No.1 has placed on record an extract of his Birth Certificate (Annexure P-1) wherein his date of birth is mentioned as 21.06.1994. Petitioner No.1 has also moved a representation

before the Senior Superintendent of Police, District Patiala (Annexure P-3) for protection of his life and liberty and that of petitioner No.2.

Respondents No. 4 and 5, who are the parents of the girl, are present in Court. They have been identified by ASI Jaspal Singh. They have prayed that their daughter i.e. petitioner No.2 should not be sent with petitioner No.1 but either be sent with them or to Nari Niketan. On asking petitioner No.2 whether she is ready to go to her parents or to Nari Niketan she has expressed her willingness to go with petitioner No.1 only since she is residing with his family. Learned counsel for the petitioners has also relied upon **CRWP No. 496 of 2015 decided on 30.03.2015, Court on its own Motion v. State of Punjab** to contend that a minor cannot be detained against her wishes in Nari Niketan or Government Protective Home.

On the permission of the Court petitioner No.2 has had an interaction with respondents No. 4 and 5. After interacting with the girl respondents No. 4 and 5 have stated that they would not oppose this petition. Moreover I am also of the opinion that the girl should not be sent to Nari Niketan against her wishes.

Without adverting to the merits of the controversy, the present petition is disposed of with a direction to respondent No.2, Senior Superintendent of Police, District Patiala to take appropriate action on the said representation (Annexure P-3).

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

December 11, 2015
sunita

(AJAY TEWARI)
JUDGE