

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

**CRM-M-25535-2018
Date of decision: 10.12.2018**

Gurpreet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Nitesh Singhi, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Ms. Ashima Mor, Addl. P. P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondent Nos. 1 to 3 for providing protection to the life and liberty of the petitioners at the hands of respondent Nos. 4 to 6, who are the mother and relatives of petitioner No. 2.

On 11.06.2018, on the request of learned counsel for the petitioners, petitioner No. 2 Harpreet Kaur Gill was sent to Protection Home, Sector 19, Chandigarh and thereafter, on 13.06.2018, the case was referred to the Mediation and Conciliation Centre of this Court as the mother and brother of petitioner No. 2 appeared in Court and noticing the fact that petitioner No. 2 had shown her reluctance to go with her mother and brother on the pretext of threat to her life, she was directed to be lodged at Ashiana Child Protection Home, Sector 15, Chandigarh.

Thereafter, again on 12.07.2018, petitioner No. 2 stated that she

does not want to accompany her mother and wants to stay in aforesaid protection home and on the report of Incharge, Aashiana Child Protection Home, Sector 15 Chandigarh, it was directed to take appropriate action in the light of the statement of petitioner No. 2 recorded on 14.06.2018.

Thereafter, on 15.10.2018, it was stated by learned counsel for U.T., Chandigarh that the Juvenile Justice Board, Chandigarh has conducted an inquiry and submitted a report to the police at Ludhiana and further submitted that the statement of petitioner No. 2 needs to be recorded under Section 164 Cr.P.C.

Accordingly, a direction was issued that petitioner No. 2 be produced before the Chief Judicial Magistrate, Chandigarh for recording of her statement under Section 164 Cr.P.C. and thereafter the same be forwarded to ASI Gur Bakshish Singh at Police Station Sadar Ludhiana.

Today, again the case was taken up and on the request of petitioner No. 2 and respondent No. 4, mother of petitioner No. 2, the matter was referred to Mediation and Conciliation Centre of this Court where the Mediator has recorded the statement of petitioner No. 2, respondent No. 4 and one Kuldip Kaur, who is the wife of maternal uncle of petitioner No. 2.

In her statement, Kuldip Kaur has stated that petitioner No. 2 wants to go with her and she will take care of her properly and shall not put any pressure to get married against her wishes. Similar statement was made by respondent No. 4 Gurmeet Kaur, mother of petitioner No. 2.

Petitioner No. 2 Harpreet Kaur Gill, who is aged about 16 years and 09 months, has stated that she wants to go with her maternal uncle and aunt Raghbir Singh and Kuldip Kaur, as per her own wishes after

interacting with her mother and maternal uncle in the Mediation and Conciliation Centre and has signed the statement after admitting the same to be correct without any pressure.

After recording the statement of the aforesaid persons, the Mediator has submitted his report of the even date. The operative part of the report reads as under:

- 1. Separate Statements of parties signing the present settlement are also being separately placed on the file.**
- 2. It has been decided between Harpreet Kaur Gill, Gurmit Kaur (her mother) and Kuldeep Kaur (Maamiji of Harpreet Kaur Gill and real Bhabhi of Gurmit Kaur) that presently Harpreet Kaur Gill want to reside with her Maamiji i.e. Kuldeep Kaur and Gurmit Kaur has no objection for the same. It has been further disclosed by Gurmit Kaur as well as Kuldeep Kaur that they have come together from Ludhiana where both sides are residing and respondent No. 5-Inderpreet Singh who is brother of petitioner No. 2-Harpreet Kaur and daughter of Kuldeep Kaur has also come in the same vehicle. As such, in the presence of Mediator as well as Police Officials, the above situation and congenial atmosphere between the parties has been disclosed by the parties.**
- 3. The parties present here has further admitted and decided that none of the elders i.e. Kuldeep Kaur or Baljit Kaur shall put any pressure on Harpreet Kaur Gill nor shall take any step to forcibly marry her with any person who is not of her choice.**
- 4. It has been presently accepted by the parties present here that in case after attaining the age of majority, Harpreet Kaur Gill want to marry the boy of her choice including the petitioner No.1 in the present CRM, none of the parties shall put any pressure upon her from her marrying Gurpreet Singh. It shall be open for her to marry Gurpreet Singh but she shall also not force Kuldeep Kaur or Gurmit Kaur to arrange the marriage. Gurpreet Singh, petitioner No. 1 in the present CRM is not present today.**
- 5. The parties have further agreed and accepted that in case any benefit is granted to Gurpreet Singh on the basis of present settlement, it shall be sole prerogative of the Hon'ble Court.**

6. With the execution of the present compromise, entire dispute between the parties shall stand settled and all the parties shall be free to lead their life as per their own wishes.
7. This compromise has been reached between the parties without any pressure and both the parties have very happily agreed to abide by the terms and conditions of the agreement. Both the parties shall be bound with the terms and conditions of this compromise and shall make/ratify the statement signed in the Mediation and Conciliation Centre today.
8. It has been further decided between the parties that in case of necessity, both the parties shall be free to present the copy of the above compromise before any authority or court if the same is required to witness the execution of the compromise or to settle any pending controversy between the parties.
9. The parties further agreed that none of the parties shall file or pursue any unwanted litigation against the other party.
10. The parties have gone through the contents and after admitting the same as correct, have willingly put their respective signatures.”

In view of the above, this petition is disposed of.

It is directed that petitioner be released from Aashiana Child Protection Home, Sector 15 Chandigarh and her custody be handed over to her maternal uncle and aunt Raghbir Singh and Kuldip Kaur.

A copy of this order be given to all concerned under the signatures of Court Secretary/Reader of this Court.

December 10, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No