

257.

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

CRM-M-35785-2018

Date of decision:13.11.2018.

AMIT KUMAR AND ANR

... Petitioners

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Chander Shekhar Sharma, Advocate,
for the petitioners.

Mr. Ripu Daman, AAG, Haryana,
for respondents No.1 to 3.

Mr. Rakesh Bakshi, Advocate,
for respondent No.4.

Mr. Abhinav Singh, Advocate, for
Mr. Saurabh Goel, Advocate as Amicus Curiae.

HARI PAL VERMA, J. *(Oral)*

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of appropriate directions to respondents No.2 & 3 to ensure the protection of life and liberty of the petitioners at the hands of respondents No.4 to 6.

It is the case of the petitioners that they want to perform marriage and they are in live in relations. The date of birth of petitioner No.1-Amit Kumar is 20.06.1994 whereas the date of birth of petitioner No.2-Priyanka Rani is 08.10.2001.

On 24.04.2018, Mr. Bakshi, learned counsel appearing on

14.08.2018 under Sections 363 and 366-A IPC has been registered against petitioner No.1 at Police Station Bilaspur, District Yamuna Nagar at the behest of respondent No.4. He has further pointed out that petitioner No.1- Amit Kumar is already married and he is misguiding the petitioner No.2 who is a minor girl.

However, this fact has been denied by the counsel appearing on behalf of the petitioners. He has argued that though the petitioner was earlier married but that marriage has already been dissolved.

Vide order dated 04.09.2018 while considering petitioner No.2 as minor and in order to protect her interest, she was sent to Balkunj Chachrauli, District Yamuna Nagar created under the Juvenile Justice (Care and Protection of Children) Act, so as to care the minor children.

Today, petitioner No.2 is present in Court. In order to ascertain her willingness in the matter as to whether she (Priyanka Rani, who is minor) would like to stay in Balkunj or would like to go with her parents, this Court requested Ms. Naseem Yadlapati, Advocate, to interact with petitioner No.2 and seek her willingness in the matter. She was taken in the chamber attached to this Court. After interacting with petitioner No.2, Ms. Naseem Yadlapati, Advocate, apprised this Court that as on date, petitioner No.2 has shown her willingness to go with her parents.

Accordingly, while taking into consideration of willingness of petitioner No.2, her custody is being handed over to her parents i.e. respondents No.4 and 5, who are present in Court.

Mr. Rakesh Bakshi, Advocate, representing respondent No.4, has identified the respondents No.4 and 5 as parents of petitioner No.2.

Learned State counsel has also filed reply on behalf of respondents No.1 to 3 by way of affidavit of Ashish Chaudhary, HPS, Deputy Superintendent of Police, Bilaspur (Yamuna Nagar), which is accompanied with the statements of Priyanka (petitioner No.2) and Pawan Kumar (respondent No.4), in court today, which is taken on record. The statement of Priyanka reads as under:-

“Statement of Priyanka daughter of Sh. Pawan Kumar caste Harijan resident of Basti, Bilaspur, P.S. Bilaspur, District Yamuna Nagar and age 17 years

Stated that I am resident of above mentioned address. I have studied upto 9th class. I liked my neighbourer Amit Kumar and on 14.08.2018, I had gone to Chandigarh with my own wish to marry with Amit Kumar and had filed a petition for protection before the Hon'ble High Court. I have not married with Amit Kumar. Now I am residing with my parents in my house at Bilaspur. I have no danger from my parents and maternal uncle. I do not want to live with Amit Kumar. I have got recorded my statement and admitted it as correct.”

In view of aforesaid facts and circumstances in the case and taking into consideration the statement of Priyanka Rani (petitioner No.2) as well as on the basis of interaction made by Ms. Naseem Yadlapati, Advocate with petitioner No.2, present petition is hereby disposed of.

It is made clear that disposal of the petition shall have no bearing on other proceedings pending or initiated between the parties.

(HARI PAL VERMA)
JUDGE

13.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.