

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-36960-2018

Date of Decision:03.10.2018

Palak

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.S. Sandhu, Advocate for
Mr. R.S. Dhillon, Advocate,
for the petitioner.

Mr. Rajesh Lamba, Amicus Curiae.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

Mr. Rajiv Vij, APP,
for U.t., Chandigarh.

Mr. Manu Loona, Advocate,
for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to official respondent Nos.2 and 3 to take action on the representation (Annexure P-1) of the petitioner and to protect her life and personal liberty at the hands of private respondents.

Petitioner was born on 16.12.2001 and she is a student of 10+1 standard at Akal Academy, Village Cheema Sahib, Tehsil and District Mansa. In her representation, she has alleged that her parents are harassing and giving beatings to the petitioner and are pressurising her to perform marriage against her wishes with some old aged person. For this reason,

they are not allowing her to pursue her studies. She being a minor cannot pursue any legal remedy against her parents, therefore, seeks protection.

On notice of motion having been issued, Mr. Manu Loona, Advocate, had put in appearance on behalf of respondent Nos.4 and 5. He has argued that the petitioner was missing since 20.08.2018 and she is minor. Respondent Nos.4 and 5, who are father and mother (parents of the petitioner) are ready to give an undertaking that they would not solemnize her marriage unless she attains the age of majority and at the time of solemnization of the marriage, wishes of the petitioner shall be taken care of. But as the petitioner is being misguided by one Sandeep Singh, the present petition has been filed for the relief prayed therein. The respondent Nos.4 and 5 are parents and therefore, are the best persons to visualise welfare of their daughter (petitioner).

The petitioner is a minor, therefore, in order to protect her interest, initially she was sent to Protection Home, Sector-19, Chandigarh, vide order dated 27.08.2018 and thereafter, on September 17, 2018, on the basis of statement made by Mr. Rajiv Vij, APP, appearing on behalf of UT, Chandigarh, that environment in the Ashiana Children Home, is more conducive for a girl like the present one, where proper facility of counselling is available as the said Institute has trained Psychologists on its panel, she was shifted to Ashiana Children Home, Sector-15, Chandigarh.

Today, petitioner along with her counsel is present in person. This Court had sought the assistance of Mr. Rajesh Lamba, Advocate, who was appointed amicus curiae vide order dated 27.08.2018.

Learned counsel appearing on behalf of the petitioner has informed the Court that during the intimated period though the petitioner is

ready to go with her parents, but at this stage, she wants to go with her uncle (Fuffar) (father's brother-in-law) Mr. Surinder Kumar S/o Gian Chand, R/o Jandwala, Mira Sangla Village, Tehsil & Disttt. Fazilka. Though she has no reservation viz-a-viz her parents, but presently she would be more comfortable and would like to go with her uncle (Fuffar) Mr. Surinder Kumar, who is present in the Court and states that he has no objection to take the petitioner with him with an assurance that he will take care of her and her interest would be protected. Even the mother of the petitioner, who is present in Court, has no objection in case petitioner goes with Surinder Kumar, who is close relative of the family.

Accordingly, without making any observations and considering the age of the petitioner, she is directed to go with her uncle (Fuffar) Mr. Surinder Kumar. Merely because custody of the petitioner has been given to Mr. Surinder Kumar, it would not divest the parents from interacting with the petitioner as it may have adverse psychological effect, but at the same time, parents would not cause any unwarranted harassment or beating to the petitioner.

The present petition stands disposed of accordingly.

October 03, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No