

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

**CRWP No.746 of 2018
Date of Decision:-16.11.2018**

Anil Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gaurav Grover, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab.

Mr. Vishva Nath Sharma, Advocate
for respondents No.4 and 5.

MANOJ BAJAJ J.(Oral)

Anil Kumar has filed this petition under Article 226 of the Constitution of India for issuance of writ in the nature of habeas corpus alleging that his daughter, namely, Mamta Kumari is in illegal detention of respondents No.4 and 5, who are her husband and father-in-law.

In response to the petition, reply has been filed on behalf of respondents No.4 and 5 indicating that the girl had married with respondent No.4-Prem Chand with her own consent against the wishes of her parents. Not only this she had filed a petition before this Court bearing Criminal

Misc. No. M-36765 of 2018 for protection of life and liberty alleging threat at the hands of her parents, which was disposed of vide order dated 24.8.2018 with the following observations :-

“Thus, the Senior Superintendent of Police, Patiala is directed to consider the representation dated 16.08.2018(Annexure-P4) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

It is nevertheless clarified that this order is issued only on the premise that the petitioners have crossed the age of majority as seen from the documents placed on record being Aadhar Cards of petitioners No.1 & 2 (Annexures P-1 and P-2). The petitioners have not produced on record a copy of their marriage certificate. This would not *ipso facto* amount to granting any seal of approval on the legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

The petition is disposed off with the above direction.”

Today the parties are present in the Court and on request of the petitioner, his daughter Mamta Kumari had agreed to meet her parents and after that brief meeting, she has now desired to stay with her parents. The statements of the girl Mamta Kumari and her father-in-law, namely, Sunder Lal are recorded separately.

In view of the statements made, the petition is rendered

infructuous.

Disposed of accordingly.

November 16, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No