

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

CRM-M-11885-2019

Date of decision: May 27, 2019

Muskan Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ranjit Singh Kalra, Advocate
 for the petitioner.

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

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioner at the hands of respondents No.4 and 5, who are her parents.

On 14.3.2019, the following order was passed: -

“Prayer in this petition is for issuance of direction to respondent Nos. 1 to 3 to protect the life and liberty of the petitioner at the hands of respondent Nos. 4 and 5, who are her parents.

Learned counsel for the petitioner submits that petitioner Muskan Kaur, who is aged about 16 years, has left her home as she wants to marry one Monty Singh.

It is further submitted that petitioner is a student of 9th Class in school and her parents want to marry her at this age, whereas the petitioner wants to study further.

A perusal of the petition shows that this petition has been filed through one Manjit Kaur wife of

Jarnail Singh, resident of Ward No. 8, Nain Wala Mandir, Mansa, however, on a query posed to learned counsel for the petitioner, it has come that she is not related to petitioner Muskan Kaur and has filed this petition so that the Court may take care of the welfare of the minor girl.

Notice of motion.

On the asking of Court, Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

List again on 15.03.2019.

The SHO, Police Station City Mansa, District Mansa is directed to produce respondent Nos. 4 and 5, namely Babli Singh and Veerpal Kaur, who are the parents of petitioner Muskan Kaur, in this Court on the next date of hearing.

In the meantime, it is directed that petitioner Muskan Kaur be kept in the Protection Home, Sector 19, Chandigarh for her safe custody.

The Incharge, Police Post, Punjab and Haryana High Court, is directed to escort the petitioner to the protection, who will also be produced before this Court on the next date of hearing so as to enable the parties to appear before the Mediation and Conciliation Centre of this Court for the purpose of counseling of the petitioner as well as her parents.”

Thereafter on 15.3.2019, the following order was passed :-

“Petitioner-Muskan Kaur has been brought from the Protection Home by HC Ramesh Kumar and C. Harpreet Kaur, Police Station Sector-3, Chandigarh.

The Station House Officer, City Mansa has also produced respondents No. 4 and 5, namely, Babli Singh and Veerpal Kaur, who are parents of petitioner-Muskan Kaur.

The parties were referred to the Mediation and Conciliation Centre of this Court for their counselling and recording their statements.

The parents have shown their willingness to take her back as they do not want to initiate any proceedings, at this stage, and further submitted that they will take care of her further studies.

Petitioner-Muskan Kaur is aged about 16 years and was to appear in Class IX when she left the home under the influence of one Monty Singh, though before Mediator has stated that she did not want to go back with her parents and wants to stay at Nari Niketan, Chandigarh. Thereafter, the counselling of the petitioner was done in the Court alongwith her parents. The petitioner has shown some apprehension that her parents may get her married forcibly. However, both the parents have stated that they are very much concerned about her future and she is a good student and is good in sports and therefore, if she gets good education, she will get a job.

During the counselling of the petitioner, she was assured that no one in her family, including her parents will maltreat or misbehave with her as they have shown their inclineness to forgive her, considering her tender age and are ready to provide her higher education.

On such assurance, petitioner-Muskan Kaur has agreed to accompany her parents. Accordingly, following

directions are issued in this regard :-

- (a) The petitioner will accompany her parents from the Court itself;
- (b) If, her father makes an application in the school where the petitioner was studying, the school authorities will take a sympathetic decision by making out a special case and allow her to appear in Class IX examination which she has missed on account of leaving her home;
- (c) The Station House Officer, Police Station City, Mansa will depute a lady officer who will give her mobile number to the petitioner to know her well being and she will visit her house to find out if she is living conveniently;
- (d) Since the parents have shown an apprehension regarding the threats extended by the aforementioned Monty Singh, the SHO will also take care of it and if need be, provide protection to the petitioner-Muskan Kaur to continue her studies and stay with her parents, as requested by the petitioner; and
- (e) It is requested by the petitioner that this petition be kept pending for some time.

List again on 27.5.2019.

Petitioner-Muskan, alongwith her parents and a police official of the Police Station City Mansa, shall remain present on the said date.”

Petitioner-Muskan is present in the Court and has shown her willingness to go with her parents. Accordingly, the parties were referred to the Mediation and Conciliation Centre of this Court for their counselling and recording their statements.

The parents of Muskan Kaur has stated that they are happily agreed to keep their daughter with them without any ill-will or grudge and they have forgiven her for the mistake that she had committed innocently and do not want that she should stay at Nari Niketan. They undertake to take care of her studies, career and future.

In her separate statement, petitioner-Muskan Kaur has stated that she is staying with her parents and wants to continue to stay at her parental home and continue her further studies. As her parents have been taking good care of her, there is no reason to ran away from the home as she has presently no grievance with her parents. Therefore, she did not want to go to Nari Niketan.

In view of the same, the present petition is disposed of. Petitioner-Muskan Kaur is permitted to stay with her parents.

However, liberty is granted to Muskan Kaur that she can approach the Station House Officer, Police Station City-II, Mansa if she feels any difficulty in future.

May 27, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No