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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12438-2019
Date of decision-05.04.2019

Pinky

....Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Petitioner present in person with
Ms. Ashima Mor, APP for U.T.Chandigarh.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition was filed by petitioner for seeking protection from her parents who were allegedly compelling her for marriage with a boy of their choice against her wishes and it was further prayed that the parents be restrained from interfering in the personal life and liberty of the petitioner.

On 26.03.2019, the following order was passed:-

“Pinky-petitioner, aged 16 years and 5 months has preferred this petition through her friend Jaswinder Singh for seeking protection from her parents who are allegedly compelling her to solemnise marriage with a boy of their choice against her wishes and further directing her parents (respondents No.4 and 5), not to interfere in the personal life and liberty of the petitioner. On 18.03.2019, notice of motion was issued and respondent No.2-Senior Superintendent of Police, Patiala

was directed to file a report after an appropriate inquiry regarding the facts alleged in the petition. Learned State counsel assisted by Inspector Paramjit Kumar, SHO Police Station City Samana prays for time to file a report in deference of the orders dated 18.03.2019. A perusal of the petition reveals that the petitioner has levelled allegations against her parents regarding beating her and forcing her to marry a boy of their choice, which is opposed by the petitioner who wishes to pursue her education. A brief representation in this regard stands submitted by her on 06.03.2019 to the Senior Superintendent of Police, District Patiala. The pleadings contained in the petition are vague and do not disclose any valid reason for picking up Jaswinder Singh (21 years old) as a next friend to institute the present petition against the parents. In response to a query posed by the Court, it is apprised by learned counsel for the petitioner that the petitioner left her house on 04.03.2019 and since then is residing with Jaswinder Singh in the house of his aunt at village Asmanpur, Tehsil Samana, District Patiala. This Court is not inclined to accept the status of said Jaswinder Singh as a lawful guardian or next friend of Pinky, as there is nothing to indicate that how the petitioner became a friend of Jaswinder Singh who is 5 years older than her. He resides in a different village. It is also conceded by learned counsel for the petitioner that the petitioner has only passed 8th Class. It does not appeal to prudence that a girl has not chosen any other close relative and has picked up Jaswinder Singh as next friend for the relief sought through this petition. At this stage, it is difficult to accept Jaswinder Singh as guardian/next friend of the petitioner, in the absence of

any specific averment that his interest is not adverse to that of the minor and the present petition is being filed to achieve welfare of the child Pinky. Resultantly, it is held that petition in the present form is not maintainable. At this stage, learned counsel for the petitioner wishes to withdraw this petition. The said prayer is also declined as in the absence of natural guardian/next friend of the petitioner, the Court can act as a de-jure guardian for the time being. At this stage, Ms. Ashima Mor, APP for U.T., Chandigarh, who is present in Court is requested to accept the notice of this petition. A complete photocopy of the paper-book be handed over to her. It would be in the interest of the petitioner, if she is kept in Aashiana (Juvenile Home for Girls) Sector 15, Chandigarh during the pendency of the petition. Learned counsel for the State of Punjab is directed to serve respondents No. 4 and 5 who have not been served for want of non deposit of process fee. Learned State counsel may file his reply or report of Senior Superintendent of Police, Patiala on the next date. Adjourned to 29.03.2019. The petitioner and respondents No. 4 and 5 to remain present in Court on the next date of hearing. A copy of this order be given to learned counsel for U.T., Chandigarh under the signatures of the Court Secretary of this Court.”

Learned State counsel has apprised the Court that respondent Nos.4 and 5 are present in Court. According to him, their stand is that there is no reason to marry the petitioner before the marriage of her elder siblings, much less against her wishes. A joint affidavit of respondent Nos.4 and 5 has been filed in the Court which is taken on record.

Ms. Ashima Mor, APP for U.T.Chandigarh states that petitioner has also expressed her willingness to live with her parents. Statement of the girl has been recorded separately, wherein she has expressed her willingness to live with her parents.

In view of the above, petitioner-Pinky be released from Aashiana (Juvenile Home for Girls) Sector-15, Chandigarh and be allowed to accompany her parents.

In view of the stand of the parties, the dispute stands settled and nothing survives for adjudication.

Petition is disposed off.

A copy of this order be given to learned counsel for U.T., Chandigarh under the signatures of the Court Secretary of this Court.

(MANOJ BAJAJ)
JUDGE

05.04.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No