

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23883-2019 (O&M)
Date of Order:31.05.2019

Maffi

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.
Mr. Karan Sharma, AAG, Haryana.
Ms. Ashim Mor, Advocate and
Mr. Karan Vir Singh, APP, for UT, Chd.
Mr. Rajesh Duhan, Advocate, for respondents no.4 and 5.

ANIL KSHETARPAL, J(Oral)

The petitioner has filed this petition for issuance of directions to respondents no.2 and 3 to protect her life and liberty on the ground that she is being forced to go with respondent no.9 after performing mukhlawa ceremony, which is a customary ceremony performed after marriage, when the girl is sent to her in-laws house.

On 24.05.2019, following order was passed:-

“Petitioner is a minor girl, who has filed this petition through Sunil son of Ram Kumar claiming to be next friend for protecting her life and liberty from respondents no.4 to 9. Respondents no.4 and 5 are her parents. She claims that she is residing with a close relative Jitender, who is present in Court, identified by his counsel, who could not explain to the Court as to how the petitioner is related to him.

In this petition, petitioner alleges that she is being forced to go with respondent no.9-Rishi after

muklawā ceremony, which is a customary ceremony after marriage. It is alleged that she was married at the age of 14 with respondent no.9, but now she does not wish to go with respondent no.9.

On the directions of this Court, preliminary enquiry was held by the police. Learned counsel for the State, on instructions from ASI Suresh Kumar, Kaithal, ASI Jaibir Singh, Jind and ASI Satpal Singh, Jind, has submitted that after this petition, respondent no.9 is not interested in continuing relationship with the petitioner.

Keeping in view the aforesaid facts, petitioner, who is present in Court is directed to stay in Aashiana, Chandigarh. For that purpose, Chandigarh Administration through Ms. Ashima Mor, counsel for UT, Chandigarh, who is present in Court, is directed to make an arrangement for the stay of the petitioner in the Aashiana, Chandigarh and to ensure that no harm is caused to her.

In the meantime, police officials, who are present in Court have been impressed upon to secure the presence of parents i.e. respondents no.4 and 5 on the next date of hearing.

Adjourned to 27.05.2019.

Copy of this order be given to Ms. Ashima Mor, Advocate, for UT, Chandigarh, under signatures of the Bench Secretary of this Court.”

Petitioner on the previous date of hearing had interacted with her parents but refused to accompany them, although, there was assurances from them that she will not be sent against her wishes. Right now she is lodged in Aashiana, Chandigarh.

Today also, she is adamant on her statement that she does not wish to go back with her parents.

Keeping in view the aforesaid facts, learned Chief Judicial

Magistrate, Kaithal, who is also member of Juvenile Justice Board, is directed to take proceeding in accordance with law.

Mr. Kuldip Singh, District Child Welfare Officer, Kaithal, ASI Suresh and Ms. Sushila, lady Constable, who are present in Court are directed to make an arrangement for stay of petitioner in Nari Niketan, Karnal, since there is no facility available at Kaithal.

Petition stands disposed of accordingly.

May 31, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No