

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

CrI.W.P. No. 1121 of 2019

Date of decision: 22.11.2019

Nisha

...Petitioner

Versus

Union Territory of Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Ms.Jaspreet Kaur, Advocate
for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner prays for a writ in the nature of habeas corpus as allegedly her minor daughter Nancy is in the illegal custody of respondent No.2.

Learned counsel for the petitioner submits that Nancy (minor) had registered a complaint of sexual harassment against one Rajesh Kumar Chauhan, resulting in FIR No.0190 dated 27.6.2019 at Police Station Sector 17, Chandigarh. After registration of the FIR, Nancy's statement under Section 164 Cr.P.C. was recorded by the Illaqua Magistrate and after recording her statement, she was sent into the custody of respondent No.2. Now, the investigation is complete and evidence of Nancy (minor) has also been recorded but she is not being permitted to come home. A written representation dated 14.11.2019 has also been submitted to respondent No.2 but the same has not had any effect.

Having heard learned counsel for the petitioner, I am of the opinion that this is not a case of illegal custody or wrongful confinement. Nancy (minor) has been sent to respondent No.2 under Court orders and can only be released from the said institution on obtaining appropriate orders from the concerned Court.

The petition is accordingly disposed of. The petitioner is directed to approach the concerned Court for release of Nancy (minor) from respondent No.2. In case such an application is filed, the Court is directed to consider the same sympathetically and in accordance with law.

November 22, 2019
poonam

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No