

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

CRWP-1889-2020

Date of Decision:-20.2.2020

HITIKA AND ANR

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krity Lohar, Advocate for
Mr. Kunal Muthreja, Advocate
for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking issuance of direction to respondent No.1 and 2 so as to protect their lives and liberty.
2. Learned counsel for the petitioners has submitted that petitioner No.1 was adopted by petitioner No.2 and that it was an arrangement within the family inasmuch as petitioner No.1 happens to be daughter of “Massi” (aunt) of petitioner No.2 and petitioner No.2 has brought-up petitioner No.1 as his daughter ever-since she was aged about 4 months. Learned counsel has further submitted that somehow the natural parents of petitioner No.1 who are arrayed as respondents No.3 and 4 have now been threatening petitioner No.2 to take forcible custody of petitioner No.1 from petitioner No.2 and on account of which the petitioner were constrained to approach Child Welfare Committee, Karnal wherein

interim directions were issued in their favour vide order dated 10.06.2019 (Annexure P-2).

3. Learned counsel for the petitioners has further submitted that pursuant to passing of order dated 10.06.2019 (Annexure P-2), the private respondents No.3 and 4 approached the Family Court at Faridabad seeking custody of petitioner No.1 which is still pending and no directions have been issued therein. Learned counsel has further submitted that despite the pendency of the aforesaid petition before the Family Court, the private respondents are desperate to take forcible custody of petitioner No.1 and have been extending threats to petitioner No.2 in this regard so as to cause harm to him.
4. Having heard learned counsel for the petitioners and while refraining from making any expression as regards veracity of the averments made in the petition, the same is disposed of with a direction to Commissioner of Police, Faridabad and Superintendent of Police Karnal to look into the matter as regards the threat perception of the petitioners and in case, it is found that there is imminent threat to lives and liberty of the petitioners, then requisite steps as warranted under the law be taken thereupon at the earliest.
5. The aforesaid order shall however not to be construed to mean any kind of immunity or any bar against having recourse to appropriate legal remedy as may be available to the private respondents for seeking custody of minor child i.e. petitioner No.1.

6. A copy of this order be sent to Commissioner of Police, Faridabad and Superintendent of Police Karnal so as to enable them to do the needful expeditiously.

20.2.2020

Gaurav Sorot

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No