

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

CRWP-6907-2020

Date of Decision: 14.09.2020

Surinder Yadav

...Petitioner

Versus

Union Territory Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. P.S. Khurana, Advocate for the petitioner.

Mr. J.S. Toor, A.P.P., U.T. Chandigarh.

SANT PARKASH, J.

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court.

The present criminal writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed for issuance of a writ in the nature of habeas corpus that Ms. Archana Yadav, aged 17 years, daughter of the petitioner has been enticed away by respondent Nos.7 and 8, along with jewellery i.e. 03 gold chain, 1 tops one pair earring, one pair Kundal, 2 Koka (gold) and cash of Rs. 1 lac.

On the last date of hearing, i.e. 07.09.2020, learned counsel for the petitioner contended that in respect of the aforesaid pleas, DDR No.4 dated 29.08.2020 was recorded at Police Station Sector-61, Chandigarh but till that date no action had been taken to redress the grievance of the petitioner.

Notice of the petition was accepted by Mr. J.S. Toor, APP, U.T., Chandigarh on behalf of respondent Nos.1 to 4, whereas Mr. Parveen Kumar Aggarwal, DAG, Haryana accepted notice on behalf of respondent Nos.5 & 6.

Both the learned counsel were directed to file the status report regarding the allegations levelled in the petition, with a direction to file status report with regard to aforesaid DDR.

Today reply on behalf of respondent Nos.1 to 4 has been filed through video conferencing, wherein it is submitted that on 09.09.2020 alleged detainee, Ms. Archana Yadav met the police along with her husband Mani (respondent No.7) and got recorded her statement to the effect that she has solemnized her marriage with Mani on 28.08.2020 as per Sikh rites, with her own will and without any pressure. It is also stated in the reply that during enquiry, the alleged detainee Ms. Archana Yadav has been found to be major which fact is evident from the record of the school, where she was admitted in the year 2013 in 5th class and passed 8th class in 2016-17. No recovery was effected from her.

In this view of the matter, since the alleged detainee is major and married respondent No.7 with her own accord, no further action is required to be taken in the matter. So far as the allegations in respect of taking away of gold ornaments and cash, it is evident from the reply filed on behalf of the respondent-State that no recovery has been effected from the detainee.

In view of the above, the instant petition has been rendered infructuous and is dismissed as such, with liberty to the petitioner to seek remedy under law for recovery of the articles allegedly taken away by the detainee at the time of leaving the house in order to solemnize marriage with Mani, respondent No.7.

14.09.2020

ps-I/avin

**(SANT PARKASH)
JUDGE**

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