

CRM-M-28103-2020

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

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Date of Decision: 16.09.2020

Neelam Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Bharat Julka, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through Video Conferencing.

Prayer in the present petition filed under Section 482 Cr.P.C. is for the issuance of directions to respondents No.2 and 3 to take appropriate action against respondent No.4 in FIR No.136 dated 16.11.2019, under Sections 363 and 366-A IPC, registered at Police Station Sujanpur. Tehsil and District Pathankot.

The petitioner is the mother of Geeta Devi, who had allegedly solemnized marriage with respondent No.4. They had filed CRWP-1290-2019 before this Court seeking protection to their life and liberty. In the said petition, a Coordinate Bench of this Court, vide order dated 29.11.2019, had directed the State counsel to find out the existence of the alleged threat.

Pursuant thereto, the petitioner got her statement (Annexure P-4) recorded before the police on 04.12.2019 that no threats had been given

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by her or her husband to their daughter-Geeta. As per the information available on the website of this Court, the said criminal writ petition is yet pending adjudication.

The petitioner alleges that respondent No.4 had abducted her minor daughter on the allurement of marrying her and that there is no headway in the FIR lodged by her against respondent No.4.

It is not disputed that Geeta Devi, daughter of the petitioner, has been living with respondent No.4 since 15.11.2019. The criminal writ petition filed by them for protection of their life and liberty is pending before this Court. Indisputably, in the said criminal writ petition, the petitioner has suffered a statement before the police that she and/or her husband had not given any threat to their daughter-Geeta.

It may be noticed that while granting protection to the run away couples, this Court does not record any finding on the validity of the marriage(s). It is only on the given threat perceptions, the protection is granted. In the instant case also, the petitioner alleges her daughter to be a minor and that she had been enticed by respondent No.4. But the fact remains that her daughter-Geeta Devi has been living with respondent No.4 for the last nearly 11 months. There is no complaint of any kind from Geeta Devi against respondent No.4. Thus, considering that there being 'no news is a good news', this Court does not have access to any circumstance to return even a prima facie finding that Geeta Devi is not being treated well by respondent No.4. Even the petitioner could not point out anything to the contrary.

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Whether or not the marriage between Geeta Devi and respondent No.4 is in contravention of Section 5(iii) of the Hindu Marriage Act, cannot be gone into by this Court in the present proceedings and the same can only be gone into by the appropriate Court/Forum, once any of the aggrieved party lays a challenge thereto.

In view of the fact that Geeta Devi has been residing with respondent No.4 for the last nearly 11 months coupled with the fact that there is no document or circumstance or any evidential justification to record a finding to the contrary, this Court is not inclined to interfere in the present petition.

Thus, finding no merit in the present petition, the same is hereby dismissed.

16.09.2020

sheetal/parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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