

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

COCP No. 436 of 2021

Date of Decision: 22.02.2021

Sukhbir

....Petitioner

Versus

Nitika Gahlaut

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ankur Sidhar, Advocate for the petitioner.
Mr. Tapan Kumar, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of Constitution of India, praying for summoning and punishing the contemnor/respondent for disobedience of the order dated 29.01.2021 (P-1) passed by this Court in CWP No. 1686 of 2021.

The petitioner has filed the writ petition bearing CWP No. 1686 of 2021 seeking directions to respondents to thoroughly investigate FIR No. 382 dated 09.11.2020, under Section 346 IPC, registered at Police Station Hansi Sadar regarding missing of his daughter, namely, Priyanka.

The allegations in the aforesaid FIR was that the daughter of the petitioner namely Priyanka has been detained in the illegal custody by one Nand Lal. The petitioner had also filed a habeas corpus petition bearing CRWP No. 10485 of 2020 seeking directions to the concerned authorities to get released his daughter Priyanka from the illegal custody of one Nand Lal. The habeas corpus was disposed of in view of the statement of the daughter of the petitioner before

Chief Judicial Magistrate, Karnal, wherein she stated that she is not ready to go with her father-Sukhbir. In view thereof, it was directed that she be lodged in Nari Niketan, Karnal.

However, this Court while disposing of CWP No. 1686 of 2021, directed respondent-Superintendent of Police, Hansi to look into the legal notice dated 16.01.2021. It was also directed that the averments made in the writ petition be also considered while deciding the matter.

Mr. Tapan Kumar, DAG, Haryana states that in compliance of the order dated 29.01.2021, a speaking order dated 05.02.2021 was passed and therein it has been recorded that no offence under Sections 363, 366 and 366-A IPC has made out against Nand Lal in view of the fact that the date of birth of daughter of the petitioner as per her matriculation certificate is 18.06.2002. According to which she is major. Moreover, she has also stated that in her statement before before Chief Judicial Magistrate, Karnal that she had voluntarily gone with Nand Lal.

In view thereof, as the order stands complied with, the present contempt petition has become infructuous.

However, it would be open for the petitioner to agitate the issue regarding age of his daughter before any appropriate authority.

[HARINDER SINGH SIDHU]
JUDGE

February 22, 2021
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Whether speaking/reasoned
Whether reportable?

yes/no
yes/no