

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

CRWP-1859 of 2021 (O&M)

Date of decision: 05.03.2021

Rajmati Devi and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner No.1 Rajmati Devi, aged about 48 years and petitioner No.2 Vidya Kumari, a minor, aged about 16 years, have brought the instant petition against respondents i.e. State of Punjab and 06 others, craving for issuance of directions to respondents No.2 to 4 to protect the lives and liberty of the petitioners, who have allegedly been harassed, threatened and attacked by respondents No.5 to 7 with intention to eliminate them.

Inter alia, in the petition, it is contended that petitioner No.2, a minor has filed the petition through petitioner No.1, who is her next friend, having no adverse interest against her; respondent No.5 Dalip Singh, father, respondent No.6 Parmila Devi, mother and respondent No.7 Pintoo Singh, brother of petitioner No.2 pressurized petitioner No.2 to get married with one Rajesh, which petitioner No.2

refused to do; she was given beatings by her mother Parmila Devi and locked her in the room, however, petitioner No.2 managed to escape that place and told petitioner No.1; both the petitioners then ran away and are now residing in house of relative of petitioner No.1 at Ludhiana; Amit Kumar, minor son of petitioner No.1 has been detained by family of petitioner No.2, therefore, the present petition has been filed.

A perusal of the petition goes to show that it does not make out any case to exercise writ jurisdiction so as to issue the directions prayed for. As a matter of fact, the criminal writ petition as framed is not maintainable. Petitioner No.1 Rajmati Devi, who is not related to petitioner No.2 Vidya Kumari, a minor, in any manner, has come forward to act as next friend of minor petitioner No.2 without disclosing as to how she is acting next friend of minor petitioner No.2 and what is the occasion for her doing so.

Learned counsel for the petitioners has referred to judgments **Iqbal Ahamd Khan Vs. Master Mohmood Raza Khan Sherwani, 2011(8) RCR (Civil) 2920 and Nagalah and Anr. Vs. Smt. Chowdamma (dead) by Lrs. & Anr., 2018(2) RCR (Civil) 617,** but those are not applicable due to different facts and circumstances as they relate to filing of suit by a minor through his next friend when his natural guardian is either not available or interest of the natural guardian is adverse to that of minor. Here a criminal writ petition is being filed and not a civil suit. In case, petitioner No.2 a minor has got

grouse that she is being married against her wishes, she can approach the Court of competent jurisdiction or authorities including Marriage Prohibition Officer under Prohibition of Child Marriage Act, 2006 to seek proper remedy. Therefore, finding no merit in the instant petition, the same stands dismissed.

05.03.2021
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(H.S. MADAAN)
JUDGE

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