

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

109

**CRWP-2418-2021
Date of Decision : 17.03.2021**

Sampat Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Grover, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for respondents No.1 to 3.

Mr. Neeraj Gaur, Advocate
for respondents No.4 to 7.

JUSTICE ARUN KUMAR TYAGI, J.

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for directing respondents No.1 to 3 to get the detainee-Rachna (daughter of the petitioner) released from illegal custody of respondents No.4 to 7.

Briefly stated the petition was filed on the averments that detainee-Rachna daughter of petitioner-Sampat Ram was missing from the house since 28.02.2021. During inquiry the petitioner came to know that detainee-Rachna was kidnapped by respondents No.4 to 7. The petitioner approached the police authorities many times, but no action has been taken.

Vide order dated 09.03.2021, while issuing notice of motion, this Court directed respondent No.2 to ensure presence of detainee-Rachna before this Court through video conferencing.

In compliance to the order dated 09.03.2021, SI Hardev Singh has ensured presence of detainee-Rachna before this Court

through video conferencing.

On being asked, detenue-Rachna has submitted that she is aged about 20 years and her date of birth is 20.06.2001. Being major she has solemnized marriage with respondent No.4-Nisaar on 20.06.2021. At present she is living in safe home but she wants to live with her husband-respondent No.4 and does not want to go and live with her parents.

In *Soni Gerry Vs. Gerry Douglas : 2018(1) RCR (Civil) 650*, where the daughter, who was major, expressed a desire to reside with her father in Kuwait, where she was pursuing her education. Hon'ble Supreme Court dismissed the habeas corpus petition filed by her mother on the ground that the daughter being major was entitled to exercise her choice. In that case Hon'ble Supreme Court observed as under:-

"10. It needs no special emphasis to state that attaining the age of majority in an individual's life has its own significance. She/He is entitled to make her/his choice. The courts cannot, as long as the choice remains, assume the role of parens patriae. The daughter is entitled to enjoy her freedom as the law permits and the court should not assume the role of a super guardian being moved by any kind of sentiment of the mother or the egotism of the father. We say so without any reservation."

In view of this settled position of law, detenue-Rachna, being major, is entitled to live with a person including respondents No.4 to 7 and at a place of her own choice as mentioned by her.

Learned Counsel for the petitioner has requested that the petitioner be allowed to have a meeting with detenue-Rachna but detenue-Rachna has refused to meet or talk with the petitioner.

Since detenue-Rachna has not been abducted and illegally detained by anyone including respondents No.4 to 7, no further action is required to be taken on the present habeas corpus petition which is disposed of accordingly.

(ARUN KUMAR TYAGI)
JUDGE

17.03.2021
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No