

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

CRWP-3424-2021

Date of decision-08.04.2021

Vanshika Chaudhary

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.P.Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this writ petition under Article 226 Constitution of India, petitioner has prayed for a writ of mandamus by way of directions to official respondent Nos.1 to 3 to protect her life and liberty from respondent No.4.

Learned counsel for the petitioner has argued that respondent No.4 is father of petitioner, who is forcing her to marry with someone against her wishes, whereas she is in love with Deepak Kumar, therefore, she left the house on 04.04.2021 and joined the company of Deepak Kumar at Bhiwani. He submits that since the boy is not of marriageable age, therefore, there were compelling reasons for the petitioner to leave the house and she is residing with Deepak Kumar with her own sweet will, but the petitioner apprehends danger from her father. He has further pointed out that a representation dated 05.04.2021 (Annexure P-3) has already been given to the Superintendent of Police,

Bhiwani however, as no action has been taken upon the same, therefore, petitioner has approached this Court with a prayer to provide protection. He prays for issuance of necessary directions.

During the course of hearing, it is not disputed by learned counsel that school certificate (Annexure P-2) describes the date of birth of the petitioner as 08.10.2003 and as per this certificate, she is minor. Learned counsel has drawn the attention of the Court to another certificate (Annexure P-1), issued by Dr.Tyagi Polyclinic & Maternity Home, Meerut, to contend that actually the date of birth of the petitioner is 08.10.2002, and she is major. Learned counsel does not dispute this fact that the petitioner after leaving her house on 04.04.2021 at Meerut, did not go to the Senior Superintendent of Police, Meerut to narrate her grievance, but went to Superintendent of Police, Bhiwani on 05.04.2021.

After hearing learned counsel for the petitioner, this Court finds that the petition is completely misplaced as the apprehension expressed by the petitioner is not supported by any convincing material. It is the case of the petitioner herself that she is residing at the house of Deepak Kumar willingly with her free consent and with safety and care. This averment is contained in the Para No.7 of the writ petition. Not only this, it is also specifically pleaded that father of the petitioner along with some police officials came to the house of Deepak Kumar and alleged that Deepak Kumar has kidnapped his daughter, but at that

stage, the petitioner intervened and stated that she left her parental home on her own to join the company of Deepak Kumar and is residing with him willingly. She stated that Deepak Kumar has not kidnapped her. These averments in the writ petition leave no room for any doubt that the father of the petitioner after reaching the house of Deepak Kumar left the place after his daughter intervened to shield Deepak Kumar, and no untoward incident took place.

Besides, the father of the petitioner was accompanied by police officials, when he allegedly visited the house of Deepak Kumar, where his daughter is also residing and it shows that the father had adopted a lawful course to retrieve the custody of his daughter. Thus it is evident that the petitioner has herself made conflicting averments in her writ petition regarding her age, as well as the alleged threat extended to her by her father, and the petition does not inspire confidence.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

08.04.2021

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