

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

CRWP No.7742 of 2021

Date of Decision:16.09.2021

(Heard through VC)

Ramandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surinder Thakur, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This petition has purportedly been filed at the behest of Ramandeep Kaur, who is a minor through her aunt and next friend Smt. Deepu wife of Sh. Ashwani Kumar wherein it is alleged that Ramandeep Kaur requires safety and security from her parents and family members who are trying to get her forcibly married to a person of their choice and that the said person is a widower.

Vide order dated 17.08.2021, a Coordinate Bench of this Court directed the minor petitioner to be sent to Nari Niketan/Safe Home till the time she attains the age of majority. SSP Hoshiarpur was also directed to depute a lady officer, who would produce the petitioner before the Illaqa Magistrate for recording of statement under Section 164 Cr.P.C. and to ascertain her voluntariness to either go back to her parents or reside in the

Nari Niketan.

Reply has been filed by way of affidavit of Jagdish Raj, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur in which it is stated that the statement of the minor was recorded under Section 161 Cr.P.C. where she stated that she had left the house on 04.08.2021 after being harassed by her parents because they wanted her marriage to be solemnized with some widower. It is further stated that she did not want to go back to the house of her parents.

I have perused the pleadings and at the very outset, find that the petition could not have been filed by the minor through Smt. Deepu who apparently is none other than the mother of Abhay Sharma against whom FIR No.130 dated 05.08.2021 has been registered under Section 363, 366A IPC. Deepu is neither the natural guardian nor the power of attorney holder of the minor petitioner to have filed the instant petition.

Be that as it may, by an order dated 17.08.2021, keeping in view the welfare of the minor in question, the girl was sent to Nari Niketan/Safe Home where she is currently residing. If she has given a statement that she does not want to go to her parents, Court would not be able to send her back and therefore, she would continue to reside in the said premises till such time as she attains majority or volunteers to go back to her parental home before the said date.

It is also brought to the notice of the Court that parents of the petitioner have filed a petition for custody of the minor girl, which is pending consideration before learned Sessions Judge at Hoshiarpur. As this Court has already opined that it is the choice of the minor to reside at Nari Niketan/Safe Home till she chooses to do so, proceedings for custody of the

minor will follow its own course. The instant petition stands disposed of with above observations. However, any observation made hereinbefore are purely for the purpose for deciding this Criminal Writ Petition and ought not be construed as an expression of opinion on merits of the proceedings pending before the Court below.

September 16, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

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