

CRWP-9639-2021

[1]

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

**CRWP-9639-2021 (O&M)
Date of decision: 08.10.2021**

Muskan and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM : HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ajay Kumar, Advocate
for the petitioners.

Mr.Sarabjeet Singh Cheema, AAG, Punjab.

HARINDER SINGH SIDHU, J.

Present criminal writ petition has been filed under Article 226/227 of the Constitution of India seeking direction to respondent Nos.2 and 3 to provide protection to the lives and liberty of the petitioners at the hands of private respondents No.4 to 8.

In brief, the facts as stated in the petition are that both the petitioners like each other. The date of birth of petitioner No.1 is 12.04.2004 while date of birth of petitioner No.2 is 01.12.1994. Copy of Aadhar Card of petitioner No.1 and Punjab School Education Board Certificate of petitioner No.2 to this effect are attached as Annexures P-1 and P-2, respectively. It is stated that Muskan - Petitioner No.1 is minor and her parents wanted her to marry a person of their choice. Because of this, on 22.09.2021, the petitioners left their homes and started living together. Since then, both of them are residing together. They have decided to live together till petitioner No.1 attains the marriageable age and then marry.

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They apprehend danger to their lives from the private respondents. The petitioners have submitted representation dated 30.09.2021 (Annexure P-3) to respondent No.2 seeking protection of their lives and liberty at the hands of the private respondents, but there has been no response.

Notice of motion at this stage only to respondents No.1 to 3.

Mr. Sarabjeet Singh Cheema, AAG, Punjab accepts notice on behalf of the respondents No.1 to 3 – State.

Without expressing any opinion on the merits of the case respondent No.2 is requested to look into the representation dated 30.09.2021 and take necessary action in accordance with law to ensure the safety of the lives of the petitioners.

Ld. counsel for the petitioners has stated that petitioner No.1 does not want to go back to her parents but wishes to stay with petitioner No.2.

Considering the fact that Petitioner No.1 is a minor aged about 17 years and 05 months (her date of birth is 12.04.2004) and she does not want to go back to her parents, it would be in the interest of her safety and welfare that she is lodged in 'Special Home for Girls' at Amritsar.

Ld. counsel for the petitioner states that presently, petitioner No.1 - Muskan is staying with petitioner No.2 – Rajan at his house, situated at Dashmesh Nagar, Gali No.2, Jaura Phatak, Amritsar.

In the circumstances, respondent No.2 – Commissioner of Police, Amritsar is requested to depute some lady Police Official/s tomorrow to get the custody of petitioner No.1 – Muskan from the house of petitioner No.2 and lodge her at 'Special Home for Girls' till she attains the age of majority.

The Deputy Commissioner, Amritsar is requested to make proper

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arrangements for the stay of petitioner No.1 in 'Special Home for Girls' at Amritsar.

Disposed of in the above terms.

Copy of this order be provided to the Ld. Assistant Advocate General, Punjab for communication to the concerned quarters for compliance.

October 08, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No