

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

**Criminal Writ Petition No. 1138 of 2022 (O&M)
Date of Decision: 08.02.2022**

Payal and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bhupender Singh, Advocate for the petitioners.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of a mandamus, hence directing respondent Nos. 2 & 3 to give protection to the life and liberty of the petitioners, and, against any interference in the peaceful life of the petitioners, being made at the behest of respondent Nos. 4 to 6.

2. The learned State Counsel, does not have any objection, to an order being made by this Court to respondents concerned, to look into and decide through a speaking order, representation Annexure P-5.

3. Consequently, this Court directs respondents concerned, to within three weeks hereafter, hence decide Annexure P-5, through a speaking order.

4. However, in case any complaint is made by the parents of petitioner No. 1 – Payal, against co-petitioner No. 2 / Amit Kumar (husband), containing therein allegations *qua* the latter abducting their

daughter. Therefore, the Investigating Officer concerned, shall collect

credible evidence *qua* her date of birth, comprised in the date of birth certificate of co-petitioner No. 1, as maintained in the Office of Registrar (Birth & Deaths) concerned. In case the afore reveals, that the above is a minor, then he shall proceed to draw appropriate proceedings in accordance with law, but may not arrest co-petitioner No. 2, without issuing a seven days notice, upon him.

5. In case, no incriminatory evidence with respect to the minority at the relevant time of co-petitioner No. 1 is available, thereupon, the Investigating Officer concerned, may not draw any action against the errant concerned.

6. Petition is disposed of.

7. A copy of this order be given dasti on payment of usual charges.

February 08, 2022

(SURESHWAR THAKUR)
JUDGE

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No