

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

251/2

CRWP-1569-2022 (O&M)
Date of decision: 25.04.2022

NIDHI AND ANR

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of *mandamus* for directing the respondent Nos.1 to 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 8 and to ensure safety of the person and property of the petitioners.

Notice of motion in the case was issued on 22.02.2022 after noticing the contention of the Advocate appearing on behalf of respondent Nos.4, 5 and 7 to the effect that petitioner No.1 has not attained the age of majority and as such was not competent to enter into matrimonial alliance.

Reply by way of affidavit of Pardeep Kumar, HPS, Deputy Superintendent of Police, Smalkha, District Panipat has been filed on behalf of the State. Copy thereof has been furnished to the counsel for the petitioner.

It is stated in the said reply that petitioner No.1 namely Nidhi was born on 02.02.2004 and as such was 18 years of age as on the date when the petition came up for hearing before this Court. Further reliance is made to the

statement of the private respondents namely Balister and Babita that they shall not cause any harm and have no objection to the marriage of the petitioners. The relevant extract of the reply is reproduced hereinbelow:-

4. That the parents of petitioner No.1 Nidhi, namely Balister and Babita (the respondents No.4 & 5) have voluntarily recorded their separate statements on 07/04/2022 that they will not cause any harm to the petitioners and further stated that they have no objection with the marriage of the petitioners. Their statements are enclosed with the reply as Annexure R-4 and R-5 for the kind perusal of this Hon'ble Court.

5. That on the basis of facts and evidence brought on the police file, statement u/s 164 Cr.P.C. of the petitioner No.1, investigation carried out by the police and in verification of the investigation by Superior Officers, no truth was found in the allegations levelled in FIR No.95 dated 04/02/2022, u/s 363, 366 of I.P.C., P.S. Samalkha and thus the cancellation report was prepared in the same/FIR on 05/04/2022. The report u/s 173 Cr.P.C. is enclosed with the reply as Annexure R-6 for the kind perusal of this Hon'ble Court.

In view of the above, no further directions are required to be passed.

Petition is dismissed as not pressed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

April 25, 2022

S.Sharma(syr)

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