

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

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CRWP-4877-2022

Date of Decision: 20.05.2022

Khusboo & Anr.

.....Petitioners

V/s.

State of Haryana & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rampal Kaushik, Advocate for the petitioners

Mr. RS Arya, Addl. AG Haryana

Mr. Rajesh Khandelwal, Advocate for respondent No.5

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ, order or direction to the official respondents to protect lives and liberty of the petitioners from the private respondents.

Learned counsel submitted that the petitioner No.1 girl is aged 17 years 3 months and petitioner No.2 is aged 20 years. Both are not of permissible age of marriage. Petitioner No.1 is minor and they are living in live in relationship and could not marry prior to permissible age of marriage. There is threat to their lives from private respondents and prayer was made to protect the lives of the petitioners.

Notice of motion.

Mr. RS Arya, Addl. AG Haryana accepts notice for respondents No.1 to 3 and Mr. Himanshu Bansal, Advocate accepts notice for respondent No.5 who is stated to be the mother of girl.

I have heard learned counsel for the parties.

The petitioners are seeking protection of life and liberty and both are not of permissible age of marriage. Petitioner No.1 is aged 17 years 3 months and boy is aged 20 years. Since petitioner No.1 is minor and it is the case of the petitioners that there is threat from the private respondents including the mother – respondent No.5 and therefore have sought protection.

Learned counsel for respondent No.5 states that respondent No.5 has not posed any threat to the petitioners and in future also there is no threat to the petitioners from her. The petitioner No.1 is not willing to go with her mother. In view of the peculiar facts and circumstances and considering the fact that the petitioner No.1 is minor, it is directed that the petitioner No.1 shall appear before the respondent No.2 who shall depute a senior lady officer to take the minor girl to the concerned District Welfare Officer so that the girl can be sent to the safe home/protection home.

The necessary safeguards of protections which are available under the Juvenile Justice Act shall also be followed and petitioner No.1 shall remain in the safe/protection home till the date she attains majority and thereafter she would be set free. In case at any point of time, petitioner No.1 expresses her willingness to go and stay with her parents, she shall be taken to concern Illaqa Magistrate who shall record her statement in that regard and on her request, she may be sent to her parents home even before attaining the age of majority. So far as petitioner No.2 is concerned, his threat perception be assessed and in case it is so required, then steps be taken in accordance with law.

Disposed of.

20.05.2022
V.Vishal

(JASGURPREET SINGH PURI)
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>