

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

138

CRWP-6161-2022

Date of Decision: 24.06.2022

NEELAM KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. H.S. Sidhu, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court under Article 226 of the Constitution of India seeking protection to the life and liberty of the petitioner at the hands of respondents No.4 to 7.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner is a minor girl and the private respondents No.4 to 7, who are her parents and other relatives, are harassing the petitioner and want to marry with contrary to her wishes with a person who is much older than the petitioner.

A perusal of the petition shows that the same has been filed through a self-appointed/self-claimed guardian namely Smt. Krishna Rani, aged 55 years. It is apparent that said guardian is neither the natural guardian nor the guardian appointed by the Court.

Considering the above said circumstances and the fact that the aforesaid minor has approached the Court, it becomes incumbent upon the

Court in its capacity as *parens patriae* to examine what is in the best interest of the minor and it is desirable to direct as under:

I. The minor in this case happen to fall within the definition of child in need of care and protection as provided under section 2(14)(vii)(xii) of Juvenile Justice (Care and Protection of Children) Act, 2015. The Senior Superintendent of Police, Fazilka shall depute a Child Welfare Police Officer to produce the minor/child before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015.

II. The respective Committee shall conduct an enquiry contemplated under Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015 and pass an appropriate order under section 37 of the said Act, by associating all the stakeholder, and to ensure that the objects of the Juvenile Justice (Care and Protection of Children) Act 2015 are well served.

III. The Child Welfare Committee shall take appropriate decision with respect to the boarding and lodging of the minor and also to conduct enquiry on all issues relating to and affecting safety and well-being of the child/minor.

IV. During the pendency of such adjudication and passing of orders as contemplated under Section 37 of the Juvenile Justice (Care and Protection of Children) Act 2015, the committee shall also take appropriate interim/decisions as regards placement of a child/custody of the child in need of care and protection.

V. The concerned Senior Superintendent of Police shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to her next friend, through whom the minor has approached this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents mentioned in

the petition.

VI. The petitioner is directed to appear in the office of Senior Superintendent of Police, Fazilka within a period of 03 days from the receipt of copy of this order, failing which the concerned SSP shall depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee within a period of 01 week thereafter.

VII. The Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015, shall send a compliance report to this Court.

Registry of this Court is directed to send a copy of this order along with the petition and the annexures to the Senior Superintendent of Police, Fazilka as well as to the Child Welfare Committee of the District concerned for necessary compliance.

. A compliance report be furnished by the Child Welfare Committee to this Court within a period of two months from the receipt of certified copy of this order.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

24.06.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No