

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

CRWP-8063-2022

Date of Decision: August 25, 2022

Yumkhaibam Rojy Devi and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Anuj Malik, Advocate,
for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in the instant petition, filed under Article 226 of the Constitution of India, is for issuance of directions to respondents Nos. 2 and 3, to provide protection of life and liberty to the petitioners, as they apprehend threat to the same at the hands of the private respondents No. 4 to 7.

2. Briefly stated petitioner No. 1 – Yumkhaibam Rojy Devi, whose date of birth is 28.12.2005 and a minor, has left the house of her parents because they want to marry her with a boy of their own choice, who is very elder to petitioner No. 1. It is stated that petitioner No. 1 wants to study more for her career prospects as also intends to marry with a boy of her choice. Presently, petitioner No. 1 is residing with petitioner No. 2 – Avtar Singh, who is 27 years old, and the present petition, on behalf of petitioner No. 1 has been filed through him.

3. Learned counsel for the petitioners contends that the issue of

providing protection by way of issuance of a writ in the nature of mandamus, has already been dealt with in detail by a co-ordinate Bench of this Court in the case of **P..... Minor Through Vikram v. State of Haryana and another** (CRWP-2139-2022 (O&M), decided on 28.03.2022) and other connected matters, i.e. CRWP-2140-2022 (O&M) and CRWP-2250-2022 (O&M). He further submits that the petitioners would be satisfied if the present petition is disposed of in terms of the aforementioned judgment, dated 28.03.2022.

4. The co-ordinate Bench in the case of **P..... Minor Through Vikram (supra)**, after noticing various provisions of the Hindu Marriage Act, 1955, the Hindu Minority and Guardianship Act, 1956, the Indian Majority Act, 1875, the Juvenile Justice (Care and Protection of Children) Act, 2015, as also the case law, while partly allowing the said petitions, issued certain directions, which reads as under:-

“26. In view of the above, the petitions are partly allowed with directions as under:-

- I. The minor in all these cases 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/Superintendent of Police of the respective districts 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 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 decisions 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 SSPs/SPs shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to their next friend, through whom the minors have approved this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents in respective cases.*
- VI. The petitioners are directed to appear in the office of SSP/SP of the respective Districts within a period of 03 days from today, failing which the concerned SSP/SP 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.”*

Petitions are party allowed in terms as aforesaid.

Registry is directed to send a copy of the order along

with petition(s) and annexures to the concerned Senior Superintendent of Police/Superintendent of Police for necessary compliance.”

5. Having considered the submission made by learned counsel for the petitioners, I am of the view that the facts of the petition in hand are similar to one noticed in the judgment rendered in the case of **P..... Minor Through Vikram (supra)**. Accordingly, the present petition is disposed of in terms of the judgment dated 28.03.2022, rendered in the case of **P..... Minor Through Vikram (supra)**.

(SANJAY VASHISTH)
JUDGE

August 25, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**