

266 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9285-2022

Date of Decision: 14th December, 2022

Manpreet Kaur through Smt. Beant Kaur and another
... Petitioners

Versus

State of Haryana and others
... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Gill, Advocate for the petitioners.
Mr. Gurmeet Singh, Assistant Advocate General, Haryana.
Ms. Vasundhra, APP, UT Chandigarh.
Mr. Shiva Khurmi, AAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

This petition was filed seeking directions to the private respondents not to harass the petitioners and not to interfere in their lives.

Petitioner No. 1 is a minor and writ petition is filed through Beant Kaur-petitioner No. 2 as her next friend.

On 30.9.2022, the following order was passed :-

“This petition is filed seeking directions to official respondents not to harass petitioner No.1 (minor girl) and petitioner No.2.

From the pleadings, it is forthcoming that petitioner No.1 is known to a boy Karanvir Singh who is nephew of petitioner No.2. Petitioner No. 2 has no objection to the friendship between petitioner No.1 and her nephew.

It would not be out of place to mention that there is an issue with regard to the maintainability of this petition. Petitioner No.1 has been arrayed party through petitioner No.2, as a known person.

Petitioner No.2 is neither a natural guardian nor come within the definition under The Guardians Act and Wards Act, 1980.

Learned counsel for the petitioner was asked to assist the Court with regard to the maintainability of the petition. He is not able to provide any assistance. He submits that a complaint has been given to the police by the parents of the girl against the boy Karanveer Singh Son of Sucha Singh. The contention is that petitioner No. 1 is present in the Court premises and she apprehends danger.

At this stage, without going into the technicalities, the issue to be considered is that minor is in the Court premises and without any guardian, her life and liberty need to be protected.

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana and Mr. Arun Luthra, DAG, Punjab appearing on advance notice accept the same on behalf of their respective State.

On asking of the Court Ms. Vasundhra Dalal Anand, APP, U.T., Chandigarh is present in Court.

As an interim measure, let the minor be taken by a lady constable from the Court premises to Aashiana, Sector 15, Chandigarh and be kept there till the next date of hearing.

In the meantime, U.T., Chandigarh police officials will ensure the presence of the minor and her parents before the Chief Judicial Magistrate, (CJM) concerned for recording their statements under Section 164 Cr.P.C. In case need so arises the Chief Judicial Magistrate, concerned shall take help of Child Welfare Committee. As measure of protection till minor is produced before the Chief Judicial Magistrate, no visitors would be allowed to meet her.

List on 17th October, 2022.

It is clarified that passing of this order will not be construed as an interim measure to petitioner No.2 and Karanveer Singh if required in any case."

On 13.12.2022, the parents of the petitioner No. 1 appeared in the Court, they along with minor were sent to the Mediation Centre of this Court. After mediation, the statements of parents of the minor were recorded.

In view of the statements recorded of the parents by the Mediator, no further directions are called for.

Petition is disposed of.

The minor be released from the Ashiana, Sector-15, Chandigarh after completing the necessary formalities and her custody be handed over to her parents.

(AVNEESH JHINGAN)
JUDGE

14th December, 2022

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No