

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRWP-11649-2021

Date of decision: - 06.01.2022

Kamalpreet Kaur (minor)

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhal Singh Beniwal, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus for seeking direction to the official respondents to protect the life and liberty of the petitioner.

On 13.12.2021, this Court had passed the following order: -

“Learned counsel for the petitioner inter alia contends that although the petitioner is minor but has given a representation dated 07.12.2021 (Annexure P-1) to respondent No.2-Senior Superintendent of Police, Sangrur, in which allegations have been made by the petitioner against her mother who is stated to be

having an illicit relationship with another person for which reason, the petitioner does not wish to live with her mother and has left her home on 23.11.2021.

Notice of motion.

On advance notice, Ms. Bhavna Gupta, DAG, Punjab, appears and accepts notice on behalf of the State and seeks time to file reply.

Adjourned to 06.01.2022.

In the meantime, respondent No.2-Senior Superintendent of Police, Sangrur is directed to look into representation dated 07.12.2021 (Annexure P-1) and after considering the threat perception to the petitioner, take appropriate action, in accordance with law.”

Learned State counsel has submitted that in the present case, FIR No.215 dated 24.11.2021 under Sections 363 and 366-A IPC has been registered against Prince, who is stated to be the next friend of the petitioner. It is further submitted that an enquiry was also conducted by respondent No.3, but neither the petitioner nor the said Prince appeared in the said enquiry proceedings. It is further argued that the petitioner, who is a minor, seems to be apparently staying with Prince, who is not her natural guardian.

Keeping in view the above facts and circumstances, the present petition is disposed of with the observation that the petitioner can approach respondent No.2-Senior Superintendent of Police, Sangrur, District Sangrur, within a period of two weeks from today and on doing so, respondent No.2 is directed to get her statement recorded before the Illaqa Magistrate under Section 164 Cr.P.C. In case, as per the statement of the petitioner under Section 164 Cr.P.C. she wishes to stay with her

mother, then her custody be handed over to the mother and in case, the petitioner is not prepared to live with the mother, then in the said circumstances, she would be sent to the nearest Nari Niketan.

January 06, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No