2023:PHHC:040724

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

129

CRWP-2726-2023
Decided on : 20.03.2023

Komalpreet Kaur through her next friend
Shagandeep Singh and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Tapish Kumar Gupta, Advocate, for the petitioners.

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SANJAY VASHISTH, J. (Oral)

By way of filing this petition, petitioners seek necessary protection of their lives and personal liberty in view of the fact that they are in a live-in relationship and are under eminent threats at the hands of respondents No. 4 to 6. Petitioner No.1 – Komalpreet Kaur is a minor, aged above 17 years, and petitioner No.2 – Shagandeep Singh, is aged about 19 years, and thus, both are not eligible to perform marriage as per law.

2. In the context of threat perception at the hands of private respondents No. 4 to 6, petitioners have allegedly moved representation dated 16.03.2023 (Annexure P-3) to Sr. Superintendent of Police, Mansa, (respondent No. 2), wherein, all the apprehension to their lives has been expressed.

3. Learned counsel for the petitioners contends that the issue of providing protection in case of minor petitioner(s), 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)**

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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:-*
>
> 1. *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.*
> 2. *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.*
> 3. *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*

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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

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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

March 20, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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