

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

**CRWP-8588-2023 (O&M)
Date of decision: 04.09.2023**

Amandeep Kaur Purba & another

...Petitioner

VERSUS

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amit Gupta, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. Learned counsel for the petitioners has submitted that it is a case where petitioner No.1 had earlier filed a petition before this Court in Criminal Writ Petition No.467 of 2019 for grant of custody of her minor daughter. However, the aforesaid Criminal Writ Petition was dismissed by this Court vide Annexure P-3 on 25.08.2022 on the ground that at that point of time the girl had expressed her willingness that she wanted to stay with her grand-father and not with the mother since the mother who is the petitioner had abandoned her. He submitted that nowafter a passage of one year, the minor girl had sent repeated messages to petitioner No.1 that she is not being taken care of by the grand-father and was even tortured by him and consequently, she expressed her willingness to petitioner No.1 for staying with her and in this way, petitioner No.1 had taken the girl child from her school. He submitted that the girl child and the petitioner are also present in the Court and the girl has reiterated today in the Court also that she wants to stay with her mother only and not with the

grand-parents. He submitted that although there are two prayers made in the present petition, first for the grant of protection of life and liberty and secondly direction to the official respondents not to register any case against petitioner No.1 on the behest of respondents No. 7 to 9. He submitted that so far as the second prayer in the present case is concerned, he does not wish to press the second prayer since the same is not in accordance with law. He submitted that he has confined the scope of the present petition only with regard to first prayer i.e. for protection of life and liberty of the petitioners who are the mother of the girl child and the girl herself who is petitioner No.2 and has filed the present petition through her mother.

2. Notice of motion to respondents No.1 and 2 only at this stage.

3. Mr. Ramdeep Partap Singh, Senior DAG, Punjab accepts notice on behalf of the aforesaid respondents and states that since the learned counsel for the petitioners during the course of arguments has confined the scope of the present petition only to the extent of protection of life and liberty pertaining to the threat perception at all, the State has no objection in case the threat perception of the petitioners is assessed in accordance with law and in case it is so required, then the State is always duty bound to take adequate measures in accordance with law.

4. I have heard the learned counsel for the parties.

5. It is a case where the learned counsel for the petitioners has confined the scope of the present petition only to the extent of grant of protection of life and liberty on the basis of threat perception qua the petitioners. Learned State counsel has stated that the threat perception of the petitioners shall be assessed in accordance with law.

6. In view of the above, the present petition is disposed of with a direction to respondent No.2 to assess the threat perception of the petitioners from the private respondents within a period of one week from today and in case it is so required, then adequate steps be taken in this regard.

7. It is hereby clarified that the directions issued hereinabove are only pertaining to the protection of life of the petitioners and does not in any way reflect anything on the merits of the case especially pertaining to the rights of either of the parties to take the custody of the minor girl/petitioner No.2 especially in accordance with the observations made by this Court on 25.08.2022 in Criminal Writ Petition No.467 of 2019 vide Annexure P-3. The rights of the parties to take custody shall remain intact irrespective of any observation made by this Court.

8. It is further clarified that the directions issued in this case would not mean to be any embargo or any impediment upon the State Agencies or any Court to entertain and process any complaint or any representation etc. which is filed in accordance with law with regard to the rights of the girl child on either side and especially with regard to the taking away of custody of petitioner No.2 by petitioner No.1.

(JASGURPREET SINGH PURI)
JUDGE

04.09.2023
rakesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No