

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

112

CRWP No.9047 of 2023
Date of decision: 29.09.2023

Pooja and another

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of direction to respondent Nos. 1 to 3 to protect life and liberty of the petitioners at the hands of respondent Nos. 4 to 7.

2. On 14.09.2023, the following order was passed:

“The present petition has been filed under Article 226 of the Constitution of India for issuance of direction to respondent Nos. 1 to 3 to protect life and liberty of the petitioners at the hands of respondent Nos. 4 to 7.

Learned counsel submits that petitioner No. 1 is 17 years and 7 months old and petitioner No. 2 is about 22 years old. They are in a live-in-relationship, on account of which family member of petitioner No. 1 are threatening to eliminate them or involve petitioner No. 2 in false cases. He further submits that due to the above, she being helpless was constrained to leave the house of her parents and with her sweet will has decided to take shelter of the petitioner No. 2.

It is evident that the petitioner No. 2 is neither the natural guardian nor guardian appointed by the Court. However, keeping in view the fact that the minor girl is staying with him and brought out these facts, this Court in its capacity as parens patriae should examine, where the best interest of the minor lies.

Considering the above said peculiar facts and circumstances, directions in that regard are being issued:

I. The minor in this case 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 Superintendent of Police, Sirsa 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 an 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 decision 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 Superintendent of Police shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to her next friend, through whom the minor has approached this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents mentioned in the petition.

VI. The petitioner No. 2 is directed to appear in the office of the Superintendent of Police, Sirsa within two days, to produce the minor before the Child Welfare Committee forthwith. In case, the petitioner No. 2 does not comply with the aforesaid, the concerned Superintendent of Police shall depute a Child Welfare Police Officer, for the aforesaid purpose.

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. Registry of this Court is directed to send a copy of this order along with the petition and the annexures to the Superintendent of Police, Sirsa as well as to the Child Welfare Committee of the District concerned for necessary compliance. A compliance report be furnished by the Child Welfare Committee to this Court within a period of 15 days.

The aforesaid shall not preclude the police authorities from initiating any proceedings that may be required to be taken against anyone concerned, in case any complaint is received by them in the matter.

Adjourned to 28.09.2023.

Copy of the order be given to the counsel for the petitioners as well as to the counsel for the State, under the signatures of Bench Secretary, for necessary compliance.”

3. Compliance report by way of affidavit of Smt. Anita Verma, Chairperson, CWC Sirsa has been filed. Learned State counsel refers to paras 2, 3 and 4 which read thus:

“2. That on 19.09.2023 the counselling of minor child/petitioner No.1 was again conducted. Statements of minor child/petitioner No.1 and her parents and family members/private respondents No.4 to 7 were recorded. The minor child/petitioner No.1 shows her willingness to meet and talk with her parents and to go with her parents. The counselling of parents of minor child/petitioner No.1 was also conducted. Copy of counselling report dated 19.09.2023 is annexed herewith as Annexure R-3.

3. That the Child Welfare Committee, Sirsa, written a letter to the Superintendent of Police, Sirsa, vide letter No.1618/CWC/Sirsa, dated 20.09.2023 for sending the verification report of family members of the minor child/petitioner No.1 till 22.09.2023. On 22.09.2023 again a letter No.1629/CWC/Sirsa, dated 22.09.2023 was written to the Superintendent of Police, Sirsa for verification report of family members of minor child/petitioner No.1.

4. That after receiving the verification report on 22.09.2023 and after conducting counselling on 25.09.2023 and after recording statements of private respondents No.4 to 8 and minor child/petitioner No.1, the custody of minor child/petitioner No.1 was handed over to the parents of minor child/petitioner No.1 on 25.09.2023. Copies of counselling report dated 25.09.2023, statements of minor child/petitioner No.1 and private respondents are annexed herewith as Annexure R-4, R-5 and R-6 respectively.”

4. No further orders are required to be passed in the present petition and the same is disposed of.

(AMAN CHAUDHARY)
JUDGE

29.09.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No