



CRWP-3841-2024

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

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Decided on: 16.05.2024

Aanchal Saini

.....Petitioner

Vs.

U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Tarunvir Singh Lehal, APP, UT Chandigarh.

Mr. Iqbal Roshan, Advocate
for respondents No.5 to 8.

ANOOP CHITKARA J.

Seeking issuance of directions to official respondents No.3 & 4 for protection of life and liberty of the petitioner at the hands of respondents No.5 to 8, petitioner has come up before this Court by filing the present petition under Article 226 of Constitution of India.

2. On 14.05.2024, this Court has passed the following order:-

“Mr. Iqbal Roshan, Advocate has put in appearance and has filed vakalatnama on behalf of respondents No.5 to 8, which is taken on record.

Counsel for respondent Nos.5 to 8 submits that they are concerned about the mental well-being of petitioner-Aanchal being daughter of respondent Nos.5 and 6. According to the inputs received by the said respondents, they are apprehending threat to the life of petitioner as she is in control of some ‘Tantric’ who is misleading and misguiding the petitioner. Counsel further submits that the private respondents are more concerned about the petitioner-Aanchal and grand-daughter(s) of respondent Nos.5 and 6 i.e. daughter of petitioner aged 5 year who is with them.

Given the serious allegations, the matter is referred to Mediation



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and Conciliation Centre of this Court and the parties are directed to appear before the Mediator on 15.05.2024 at 1.00PM.

Counsel for UT-State submits that the matter has been enquired which is found to be a family dispute and the State has nothing to do in the same.

List on 16.05.2024 for awaiting report."

3. Counsel for the petitioner submits that in pursuance to the previous order dated 14.05.2024, parties had gone to the Mediation and Conciliation Center of this Court, where the settlement has arrived. Report of the Mediation and Conciliation Center, is extracted hereunder:-

"1. Disputes and differences had arisen between the parties hereto and CRWP-3841 of 2024 has been filed by the first party/petitioner before the Hon'ble High Court praying for issuance of directions to official respondents No. 3 and 4 for protection of life and liberty of the petitioner (first party) at the hands of respondents No.5 to 8, who are family members of the petitioner.

2. That the above-mentioned case has been referred to the Mediation & Conciliation Centre today itself i.e. on 15.05.2024 by the Hon'ble High Court.

3. The undersigned was appointed as Mediator in the present matter.

4. The parties today have resolved their dispute amicably with the assistance of Mediator without any pressure and undue influence.

5. Today single and joint sessions were held with the parties. The parties have arrived at an amicable solution resolving their disputes and differences with the assistance of the Mediator/Conciliator voluntarily.

6. As per the orders passed by the Hon'ble High Court, both the parties have sat together i.e. second party i.e. both parents of petitioner as well as petitioner/first party herself.

7. As informed by the parties, apart from the present CRWP, there is no other pending between the parties.

8. The following settlement has been arrived at between the parties:-

(i) It has been agreed between the parties that there shall be no interference from the side of both parents i.e. second party in the life of the petitioner/first party and the parties henceforth have agreed not to disturb each other's peaceful life or in any manner interfere in each other's life.

(ii) It has been further agreed between the parties that the second party (parents) will not co-operate in the pending cases of the first party/petitioner and will not be liable for any consequences relating to



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other pending cases of the first party/petitioner.

(iii) It has been further agreed between the parties that at present, the female child of first party/petitioner, namely Shanaya, aged about 5 years shall remain in the custody of the second party i.e. parents of petitioner. It has been further agreed that they will not keep the child for life-long and the responsibility of the female child will be of the first party/petitioner for the future.

(iv) That it has been further agreed between the parties that the second party shall withdraw the missing report lodged against the first party, if any, before any Police Station/Authority.

(v) It has been further agreed between the parties that all the pending cases relating to the marriage of the petitioner/first party shall be pursued by the first party/petitioner herself.

(vi) It has been further agreed between the parties that the second party or their family members or his relatives will not interfere in the life of first party.

9. It has further been agreed that the second party would not initiate any FIR, Civil or Criminal proceedings of any kind in any Court against 3

the first party. They have further undertaken that they will not take any action or file any sort of complaint against petitioner/first party.

10. The parties have further agreed and accepted that the dispute between the parties as on today stand settled with the execution of present compromise and there is no further claim of the parties against each other.

11. The parties have gone through the contents and the same have been explained to the parties and after admitting the same as correct, have put their respective signatures.

12. That the parties undertake to abide by the terms/conditions set out herein and not to dispute the same hereinafter in future.

13. It has been further decided between the parties that in case of necessity, both the parties shall be free to present the copy of the above compromise before any authority or court if the same is required to witness the execution of the compromise or to settle any pending controversy between the parties.

14. A copy of this settlement has been given to both the parties.

15. Self attested photo copies of Aadhar Cards are attached with this settlement as their identity proofs.”



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4. Grand parents along with minor child are present in the Court. Counsel for the respondent submits that in the settlement no time has been given that when the petitioner will come to take the child.

5. Counsel for the petitioner submits that the petitioner has no permanent place of residence and the moment she gets place of residence, she will take the child, who is a girl and she cannot put the child into any kind of risk. To this, counsel for the respondents 5 & 6 submits that she should not knock at the door in the midnight for custody and whenever she wants to come she must give ten days time so that they are emotionally and mentally prepared to part with the child.

6. The above said prayer is absolutely justified. Counsel for respondents No. 5 to 8 submits that the petitioner must show the place where she would keep the child so that they are also secured about the safety of the child and that she is properly being taken care of. In case the petitioner is staying with somebody else they should be permitted to interact with that person for their satisfaction and if they are not satisfied, custody of the child shall not be handed over to the petitioner. This Court absolutely agreed to the apprehension of the respondents. In addition to that petitioner shall make video call to child and let her talk with grand parents once in a week and whenever grand parents want to go and visit the child she will not stop them. In case they want to take the child for outing or even for some days with them she will not stop them and even any gift if grand parents want to give, petitioner will accept that. It is also prayed that when petitioner will admit the child in school, she will satisfy the grand parents regarding quality of school and education and If they found the child's company not to be worth her or child's clothes not upto the mark they should be permitted to interfere. Petitioner has no objection because it is all in the interest and welfare of minor child. In case, respondents No.5 & 6 face any trauma, mental harassment from the petitioner-Aanchal Saini, they shall bring it to the notice of the concerned SHO who shall provide them appropriate security by providing female Constable on day to day analysis.

7. In the entire background, **petition is disposed** of with the following observations:-

- (i) As and when the petitioner wants to take the child, she will inform ten days prior to respondents No.5 & 6.
- (ii) Petitioner shall make a video call to respondents No.5 & 6 and she will allow the child to talk with her grand parents once in a week and whenever the child wants.
- (iii) Petitioner shall not stop the grand parents to meet the child and in



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case, in vacations or weekend, they want the child to take with them for some days, she will not refuse.

(iv) If the petitioner is living with some other person, respondents No.5 & 6 will interact with that person and if they will be satisfied only, then they will send the child with the petitioner.

(v) Before admitting in the school, petitioner shall inform the grand parents and if they are satisfied, then she will admit the child in that school.

8. **This order shall remain in force till the child attains the age of 18 years.**

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.05.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.