

CRWP-4233-2024

[1]

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

CRWP-4233-2024

Date of decision: 09.05.2024

Ravinder Kumar and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S. Hundal, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. Counsel for the petitioners submits that petitioner No.2 Priya a girl aged about 17 years, left her parental home and is now living with petitioner No.1 who is a bachelor male aged about 23 years. It is further submitted that petitioner No.2 is ready to live with the petitioner No.1 and is willing to perform marriage with petitioner No.1 on attaining the age of majority. Counsel for the petitioners further submits that petitioners are apprehending threat from the side of private respondents No.4 to 9 and in this regard, representation dated 03.05.2024 (Annexure P-3) is submitted by the petitioners but police authorities failed to take any action. Being aggrieved, petitioners have filed the present petition.

2. Notice of motion.

3. Mr. Neeraj Sheoran, DAG, Haryana, accepts notice on behalf of the State and prays for time to seek instructions.

4. Admittedly, petitioner No.2 is below the age of 18 years and it being so, she cannot be permitted to live with petitioner No.1 till she attains age of majority. The Court does not deem it appropriate to direct that custody of petitioner No.2 should be forcibly entrusted to her parents against her wishes as she is not willing to live with them.

5. In the given circumstances, Child Welfare Committee, Hissar

(CWC) is directed to take custody of petitioner No.2 from house of petitioner No.1 at the earliest and lodge her in the nearest shelter home for children in the area of Hissar, till she attains the age of majority. Child Welfare Committee Hissar, constituted under Juvenile Justice (Care and Protection) Act 2015, shall ensure and monitor well being of petitioner No.2 during her stay in shelter home.

6. If at any time, Priya a minor girl even before attaining the age of majority, expresses her desire to go to her parents then the CWC shall permit her to do so, by passing an appropriate order in this regard in presence of her parents.

7. In view of the above, the present petition is disposed of without expressing any opinion on the merits of the case.

8. However, any observation made herein above is not to be construed as an expression of opinion regarding the validity of the livein relationship between the petitioners. In case the petitioners have committed any offence, law will take it's own course.

9. A compliance report be submitted by Child Welfare Committee Hissar within a period of next one month from the date of receipt of copy of this order.

10. Matter with regard to threat perception as is pleaded in the present petition will be taken care of by respondent No.2 in accordance with law.

11. Disposed of in aforesaid terms.

09.05.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**