



CRWP-6545-2024

-1-

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

244

CRWP-6545-2024

Date of Decision:- 02.09.2024

Vanshvir

....Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sukhdeep Singh, Advocate for
Mr.Parminder Singh, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner – Vanshvir who is a child of 12 years of age through his elder sister Gunjan as guardian filed present criminal writ petition under Article 226 of the Constitution of India with a prayer to issue writ in the nature of mandamus directing official respondents to protect his life and liberty being under danger at the hands of respondent No.6 in collusion with respondent No.4 and not to harass, detain or give beating to petitioner or to compel him to reside with respondent No.6 or any other direction which the Court may deem fit and proper in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that marriage of respondent No.6-Ranveer was performed with Seema Devi on 01.10.2000. Out of this wedlock, they had three children. Elder sister of petitioner namely Gunjan who is in final year of B.Com with Computer Application at Government College, Ambala Cantt. Another sister of petitioner

**CRWP-6545-2024****-2-**

Tanisha who is doing B.Com Ist year and the present petitioner who is student of 7th standard. Due to matrimonial dispute, his parents started living separately in March, 2019. They took divorce on 23.05.2024 under Section 13-B of Hindu Marriage Act. It was agreed between the parents that daughters will stay with mother and petitioner would remain in the custody of father i.e. respondent No.6. He was ill-treated by his father who used to lock him in the room and was terrorized. His studies were adversely affected. He was not provided adequate coaching. His father used to return home in drunkard condition. Ultimately, he left the house of his father in his absence and boarded a bus and came to Ambala where his sister Gunjan was studying. Since, 05.07.2024, he is residing with his mother and two sisters. Respondent No.6 filed frivolous complaint with respondent No.4 and want to take his custody. He was also produced before respondent No.5 to enquire about his wishes as to with whom he wanted to stay. In the aforesaid facts and circumstances, he filed the present petition.

3. Petitioner was provided protection of life and liberty from the hands of respondent No.6 vide order dated 12.07.2024 passed by this Court. Status report was called for. As per status report, statements of petitioner as well as his mother Seema Devi were recorded which are Annexure R-1 and R-2 respectively. They did not want any action and further stated that they do not apprehend any threat to life and liberty. However, statement of respondent No.6 was not recorded. Now statement of respondent No.6-Ranveer is also recorded on 25.08.2024. Photostat copy of vernacular is placed on record. As per this statement, respondent

**CRWP-6545-2024****-3-**

No.6 categorically stated that he has no objection if the petitioner stays with his mother.

4. In view of the aforesaid factual position, at present there is no apprehension of threat to the life and liberty of petitioner. Respondent No.6 has already given his consent that petitioner may stay with his mother. Therefore, present petition seeking protection of life and liberty has rendered infructuous.

In case petitioner in future apprehends any threat to his life and liberty from the hands of respondent No.6, then he may approach respondents No.2 and 3 who will take appropriate steps, considering the threat perception.

5. Petition is accordingly disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

02.09.2024*Sunil Devi*

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

**(AMARJOT BHATTI)
JUDGE**