IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

CRWP-6820-2024
Date of Decision: 19.07.2024

Suraj and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Ritesh K. Sharma, Advocate and
Mr. Bikramjit Singh Baath, Advocate for the petitioners.

*****

KIRTI SINGH, J.(Oral)

1. This petition has been filed for seeking a direction to the official respondents to protect the life and liberty of the petitioners from the hands of private respondents (arrayed in the petition) in view of the fact that they are living in a live-in relationship and are under eminent threat at the hands of respondents No.4 to 8. Petitioner No.1 –Suraj, is aged about 18 years and 02 months, whereas, petitioner No. 2 –Laxmi, is a minor, aged about 16 years and 06 months.

2. In the context of threat perception at the hands of private respondents No.4 to 8, the petitioners had allegedly moved representation dated 15.07.2024 (Annexure P-3) to Senior Superintendent of Police, Gurdaspur (respondent No.2), wherein, all the apprehension to their lives has been expressed.

3. Learned counsel for the petitioners contends that the issue of providing protection in case of minor petitioner(s), by way of issuance of a writ in the nature of mandamus, has already been dealt with in detail by a co-ordinate Bench of this Court in the case of **P…… Minor Through Vikram** v. **State of Haryana and another** **(CRWP-2139-2022 (O&M),**

KAVITA NAIN
2024.07.19 16:26
I attest to the accuracy and
integrity of this document
order/judgment

decided on 28.03.2022) and other connected matters, i.e. CRWP-2140-2022 (O&M) and CRWP-2250-2022 (O&M). He further submits that the petitioners would be satisfied if the present petition is disposed of in terms of the aforementioned judgment, dated 28.03.2022.

4. The co-ordinate Bench in the case of **P…… Minor Through Vikram (supra)**, after noticing various provisions of the Hindu Marriage Act, 1955, the Hindu Minority and Guardianship Act, 1956, the Indian Majority Act, 1875, the Juvenile Justice (Care and Protection of Children) Act, 2015, as also the case law, while partly allowing the said petitions, issued certain directions, which reads as under:-

> *"26. In view of the above, the petitions are partly allowed with directions as under:-*
>
> 1. *The minor in all these cases 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 Senior Superintendent of Police/Superintendent of Police of the respective districts 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 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 decisions with respect to the boarding*

KAVITA NAIN
2024.07.19 16:26
I attest to the accuracy and
integrity of this document
order/judgment

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 SSPs/SPs shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to their next friend, through whom the minors have approved this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents in respective cases.*

VI. *The petitioners are directed to appear in the office of SSP/SP of the respective Districts within a period of 03 days from today, failing which the concerned SSP/SP shall depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee within a period of 01 week thereafter.*

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."*

Petitions are party allowed in terms as aforesaid. Registry is directed to send a copy of the order along with petition(s) and annexures to the concerned Senior Superintendent of Police/Superintendent of Police for necessary compliance."

KAVITA NAIN
2024.07.19 16:26
I attest to the accuracy and
integrity of this document
order/judgment

5. Having considered the submission made by learned counsel for the petitioners, I am of the view that the facts of the petition in hand are similar to one noticed in the judgment rendered in the case of **P…… Minor Through Vikram (supra)**. Accordingly, the present petition is disposed of in terms of the judgment dated 28.03.2022, rendered in the case of **P…… Minor Through Vikram (supra)**.

6. It is clarified that this direction will not have any effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

(KIRTI SINGH)
JUDGE

19.07.2024
Kavita Nain

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

KAVITA NAIN
2024.07.19 16:26
I attest to the accuracy and
integrity of this document
order/judgment