

2024:PHHC:124476



225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8428-2024
DECIDED ON: 19.09.2024.

RAJIYA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rohit, Advocate, for the petitioners.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India whereby, a prayer has been made to direct respondents No.2 and 3, Senior Superintendent of Police, Batala and Station House Officer, Police Station Qadian, District Gurdaspur, not to harass the petitioners namely Rajiya aged 17 years 5 months, Harman Gill, aged 22 years, who has approached through petitioner No.1 being major and also to protect their lives and liberty.

2. The factual matrix as can be culled out after hearing the parties and going through the pleadings that both the petitioners are known to each other since long, developed liking. The petitioners have also levelled allegations qua parents of petitioner No.1, who are arrayed in the memo of parties as respondents No.4 to 9 namely Kulwant Raj (father of petitioner No.1), Sonia (mother of

petitioner No.1), Laddy (cousin of petitioner No.1), Rakesh Kumar @ Denny and Sanjeev Kumar @ Seepa (uncle of Petitioner No.1) alleging that they are forcing her to marry with a person of their own choice of same caste despite the fact that she is not of marriageable age. It is further averred on behalf of petitioners that on account adamant behavior of respondents No.4 to 9 and other family members of petitioner No.1, they have started living together in live-in-relationship though against the wishes of respondents No.4 to 9.

3. Apprehending serious threat of elimination of petitioners on account of false prestige and honour of the family, a representation is stated to have been submitted before respondent No.2-Senior Superintendent of Police, Batala through registered post on 28.08.2024, which is annexed with the present petition as Annexure P-3. The petitioners have now approached this Court asserting that respondent No.2 has not taken any action on the said representation, till date.

4. The matter came up for hearing before this Court on 02.09.2024, considering the age of petitioner No.1, who found to be not of marriageable age being less than 18 years of age, respondent-State was called up to file a status report after verifying the veracity of the allegations and the concern raised in the instant petition and also to produce the minor girl (petitioner No.1).

5. The case was adjourned for the next day i.e. 03.09.2024 and on that day the petitioner No.1 was produced in Court and keeping in view the age of petitioner No.1, she was sent to Ashiana, Sector 15, Chandigarh along-with SI Dilawar Singh and L/Constable Reena Rani No.2070, AHTU, Sector 17, Chandigarh with a direction to keep her there till the next date of hearing i.e. 13.09.2024.

6. Today, petitioner No.1 was present in Court, who admitted her age to be less than 18 years, as is evident from Aadhar Card as well, according to which her date of birth is 05.04.2007. It was incumbent upon this Court to adjudicate on the question involved in the present criminal writ petition, keeping in mind the paramount consideration of welfare of petitioner No.1, minor girl.

7. Today i.e. 19.09.2024, during the course of hearing, respondents No.4 (father of petitioner No.1) have come present. This Court conducted interaction session/made efforts to find out the reasons, as to why the minor girl had left her home, on which the minor girl-petitioner No.1 responded that she was being forced to marry a person of their own choice despite the fact that she wanted to marry petitioner No.2 only, after attaining the age of marriage.

8. At the same time, respondents No.4 has denied all these allegations and respondent No.4-father was expressive in saying that he has never forced his daughter to marry with any person. He further states that petitioner No.2 has enticed and allured his minor daughter knowingly well that she is minor. Petitioner No.1 was also inquired about her wishes and decision on which she states that, if her father agrees not to marry her with any other person of his own choice and allows her to continue studies, she is ready to go back to her parental home, on which respondent No.4 agreed in toto without any ifs and buts and pleaded that he wants her daughter to stand in her life on her own feet.

9. At this juncture, father of girl namely Kulwant Raj who is present in Court informed that the petitioner No.2-Harman Gill is involved in four FIRs and on that account he is concerned about the welfare of the daughter who is minor and has been allured by petitioner No.2 to elope with him on the pretext of solemnizing marriage.

10. At this stage, petitioner No.1-Rajiya present in Court being produced by ASI Manjit Singh along with her counsel submits that she is ready and willing to join the company of her parents though wishes that no action be taken against the petitioner No.2 by the parents.

11. In the light of above, parents of petitioner No.1 i.e. respondent Nos.4 and 5 respectively has undertaken that as far as present instance is concerned they will not initiate any legal proceedings against petitioner No.2.

12. Separate statements have been recorded to this effect including that petitioner No.1-Rajiya, respondent No.4 father, respondent No.5-mother and respondent No.8-Uncle (chacha) who unequivocal voice have stated that they have all love and affection for their minor daughter and assure the Court that due care will be taken of her in future as well.

Statement recorded by the above stated parties is reproduced hereinbelow:-

“STATEMENT OF KULWANT RAJ AGED 40 YEARS S/O CHARAN DAS Ward no. 11 Balmiki Mohalla post office Qadian, Tehsil -Batala, District Gurdaspur.

ON S.A.

It is stated that I will take care of my Daughter, Rajiya aged about 17 years 5 months. I will let her study further and I do not wish to initiate any Criminal Proceeding against P-2. I am ready and willing to take my daughter who is present in court and I will take care of my Daughter with affection love.

The afore-said statement of mine is without any fear, coercion or undue influence.’

STATEMENT OF SONIA AGED 37 YEARS W/O KULWANT RAJ Ward no. 11 Balmiki Mohalla post office Qadian, Tehsil -Batala, District Gurdaspur.

ON S.A.

It is stated that I will take care of my Daughter, Rajiya aged about 17 years 5 months. I will let her study further and I do not wish to initiate any Criminal Proceeding against P-2. I am ready and willing to take my daughter who is present in court and I will take care of my Daughter with affection love. The afore-said statement of mine is without any fear, coercion or undue influence.

**STATEMENT OF SANJIV AGED 47 YEARS S/O ANAINT,
Ward no. 11 Balmiki Mohalla post office Qadian, Tehsil -Batala,
District Gurdaspur.**

ON S.A.

It is stated that I will take care of my Niece, Rajiya aged about 17 years 5 months. I will let her study further and I do not wish to initiate any Criminal Proceeding against P-2. I am ready and willing to take my Niece who is present in court and will take care of her. The afore-said statement of mine is without any fear, coercion or undue influence.

UNDERTAKING

I am Rajiya aged about 17 years and 5 months Daughter of Kulwant Raj. Today I am present in the court and wish to go with my Parents (father and mother) R/o, Ward no. 11 Balmiki Mohalla post office Qadian, Tehsil -Batala, District Gurdaspur. I am going with my father without any pressure or fear or Coercion”

13. This Court has already experienced in various cases particularly in those instances where minors are involved as run away couples and have started living in live-in-relationship rushing to the Court seeking protection to their lives and liberty raising serious allegations of elimination at the hands of his/her parents though without any concrete evidence or any kind of other material but on mediation and interaction conducted at the behest of the Court itself at least in more than 20 cases in the last 7/8 months or so, the minor girls have happily and

willingly without any coercion joined the company of their parents back, once they were made to understand the act in which they are involved, which might be not only against moral values and social norms but otherwise also not permitted by law, as established so far giving approval to such relationship under the garb of live-in-relationship.

14. Respondent No.2-Senior Superintendent of Police, Batala District Gurdaspur is directed to look into the matter on receipt of a copy of this order qua the averments raising concern to their safety of life and liberty by respondent Nos.4, 5 and 8 since they are receiving threats from petitioner No.2 in case, they take away the minor child-petitioner No.1 along with them and do not permit her to stay in his company.

15. In view of afore-said discussions, the present petition is disposed off, on a happy note with a glitters in the eyes of minor girl and tears of contentedness and satisfaction in the eyes of father who embraced her minor daughter in the open Court. It is hereby, directed that petitioner No.1 be allowed to go with her parents, who are present in Court today itself leaving it open for the investigating/law enforcing agency to take legal recourse, as per prescribed law in a case registered against petitioner No.2, if so desired by the complainant of that FIR.

16. Disposed off.

(SANDEEP MOUDGIL)
JUDGE

19.09.2024

sham

Whether speaking/reasoned Yes/No

Whether reportable Yes/No