

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9918-2023
DECIDED ON: 30.01.2024

ROSHNI MINOR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kartik, Advocate and
Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus seeking direction to official respondents No.2 & 3 to protect the life and liberty of Roshni, at the hands of private respondents No.4 to 6.
2. It is contended on behalf of petitioners that petitioner No.1 is about 16 years old and petitioner No.2 is about 40 years old. Petitioner No.1 and son of Petitioner No.2 are stated to have liking for each other, on account of which family members of Petitioner No.1 are threatening to eliminate them or involve Petitioner No.2 in false cases and due to said reason, Petitioner No.1 was constrained to leave her parental house and has decided to take shelter of Petitioner No.2.
3. From perusal of case file, it reveals that Petitioner No.2, who is the mother of the boy, is neither the natural guardian nor guardian appointed by any Court of law.

4. Vide order dated 07.10.2023, this Court while exercising the *parens patriae* jurisdiction, in order to examine the best interest of minor girl i.e. Petitioner No.1, passed the following direction:-

“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. Registry of this Court is directed to send a copy of this order along with the petition and the annexures to the Superintendent of Police, Hisar as well as to the Child Welfare Committee of the District Court concerned for necessary compliance. A compliance report be furnished by the Child Welfare committee to this Court within a period of 15 days.”

5. Vide order dated 18.01.2024, looking into the *locus-standi* of Petitioner No.2, Superintendent of Police, Hisar was directed to produce Petitioner No.1 along-with respondents No.4 and 5, parents of petitioner No.1, in Court on the next date of hearing.

6. Today, in compliance of afore-said direction issued by this Court, petitioner No.1 along-with respondents No.4 and 5 has been produced in Court today by ASI Rakesh, Police Station Urban Estate, Hisar.

7. Petitioner No.1 has stated today in Court that she with her own free will without any coercion or pressure is ready and willing to join the company of her parents i.e. Respondents No.4 and 5 and will go with them as there is no threat whatsoever to her life and liberty in any manner.

8. In view of above, the custody of Petitioner No.1 is ordered to be handed over to respondents No.4 and 5 (parents of petitioner No.1) from Court itself.

9. In the light of above, the present petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

30.01.2024
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*