



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRWP-9658-2024

Date of decision: 04.10.2024

KARINA AND ANR

...Petitioners

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr.Bakul Garg, Advocate for the petitioners.

KIRTI SINGH, J.(Oral)

This petition under Article 226 of the Constitution of India 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) as they are in live in relationship against the wishes of the family members.

2. Learned counsel for the petitioners submits that the petitioner No.1 is 17 years old while petitioner No.2 is 19 years old. The petitioners are in live in relationship, against the wishes of private respondents No.4 to 6. They have placed on record copy of the Aadhar card of petitioner No.2 (Annexures P-1) to substantiate his claim. The petitioners have also submitted a representation dated 30.09.2024 (Annexure P-2) to respondent No.2 but till date no action thereon has been taken. He further submits that the petitioners will be satisfied if appropriate direction is



given to respondent No.2 to consider and dispose of the aforesaid representation dated 30.09.2024 (Annexure P-2) in accordance with law in an expeditious manner.

3. Issue notice to respondents No.1 to 3 only at this stage.
4. At the asking of the Court Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondents No.1 to 3. Learned counsel for the petitioners is directed to supply a copy of complete paper book to the counsel appearing for the State during the course of the day.
5. Heard.
6. The Division Bench of this in order dated 09.9.2024 passed in **CRWP No. 4660 of 2021** titled as '**Yash Pal and another versus State of Haryana and others**' has held as under :-

“44. If protection is provided to minor partners, who are in a live-in relationship where only one of them is a minor, or where both are minors, thereby the granting of the espoused protection, rather would run counter, vis-a-vis, well statutory crampings of discretions of a minor. Moreover thereby this Court would be avoiding to perform its duty as a parens patriae towards the minors whereby rather this Court is required to be ensuring the welfare of the minor concerned. Therefore, the said solemn duty cast upon Courts of law, naturally requires that the minor concerned, rather than being permitted to be a partner in a live-in relationship either with a minor or with an adult, thus his/her custody is required to be ensured to be retrieved to his/her parents, and, natural guardian. However, in the above endeavour if the Court perceives that there would be an imminent threat to the life of the minor, thereby, the Courts are required to be proceeding to recourse the relevant provisions of the



Juvenile Justice (Care and Protection of Children) Act, 2015, inasmuch, as directing the minor to till his or her attaining majority, thus staying comfortably at Children Home or at a Nari Niketan, as the case may be.”

7. The Coordinate Bench of this Court, while examining the issue of protection to the minors in the case of **P..... Minor Through Vikram v. State of Haryana and another** (CRWP-2139-2022 (O&M), decided on 28.03.2022) and other connected matters, i.e. CRWP-2140-2022 (O&M) and CRWP-2250-2022 (O&M), had disposed of the matter by issuing directions to the Senior Superintendent of Police to depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee constituted under the Juvenile Justice Act within a period of 01 week and other directions were issued which read 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 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 appeared 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."

8. In view of the above, the petition is disposed of in the same terms as the judgment dated 28.03.2022, rendered in the case of **P..... Minor Through Vikram versus State of Haryana and another (supra)**. The respondent No.2- Superintendent of Police, Yamuna Nagar is directed to depute a Child Welfare Police Officer to produce petitioner No.1 before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015, within a week. The other directions issued in the case of **P..... Minor Through Vikram versus State of Haryana and another (supra)** shall also be applicable and complied with by all concerned.

9. The respondent No.2- Superintendent of Police, Yamuna Nagar, is further directed to consider the representation qua petitioner No.2 and will grant him necessary protection, if there is any threat to his life and liberty.

10. In case any criminal case is pending against petitioner(s), this order shall not be any hindrance for the Investigating Agency to proceed according to law.

(KIRTI SINGH)
JUDGE

04.10.2024
Kavita

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