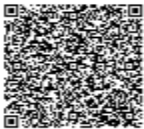


2024:PHHC:149510



115

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRWP-11086-2024 (O&M)  
Date of decision: 18.11.2024

Saloni Chand and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Anand, Advocate  
for the petitioners.

\*\*\*\*\*

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to protect the lives and liberty of petitioners No.2 & 3 (minors) from respondents No.5 to 7 and further to decide the representation bearing UID No.464676 (Annexure P-6) submitted by petitioner No.1 to respondent No.3.
2. Learned counsel for the petitioners, *inter alia*, contends that

2024:PHHC:149510



marriage between petitioner No.1 and respondent No.5 was solemnized on 17.11.2012 according to Hindu rites and rituals and out of this wedlock, twins i.e. petitioners No.2 & 3 were born on 22.09.2017. However, the matrimonial dispute ensued between the couple and petitioner No.1 filed a petition under Section 13 of Hindu Marriage Act, 1955 seeking divorce from respondent No.5 on 08.07.2024. In January, 2021, petitioner No.1 along with petitioners No.2 & 3 was turned out of her matrimonial home and since then, the petitioners are residing separately and respondent No.5 did not take care of the minor children, when they were residing with him and he physically and mentally tortured them. On 04.11.2024, respondents No.5 to 7 went to school of petitioners No.2 & 3 and respondent No.5 forcibly took away petitioner No.2 with him and petitioner No.3, on reaching home, informed to petitioner No.1 about the said incident. Thereafter, petitioner No.1 went to her in-laws' house, but she and petitioner No.3 were not allowed to enter in the house. Petitioner No.1 was even assaulted by respondent No.5, who said to her that in case, she wants custody of petitioner No.2, she would have to withdraw the divorce petition filed against him.

3. Learned counsel for the petitioners further contends that perusal of record of the school, where petitioners No.2 & 3 are studying, indicates that in October, 2024, they regularly attended the school and missed only one working day and in November, 2024, due to the aforesaid incident and under fear, they

2024:PHHC:149510



have missed multiple working days, due to which their studies are being affected. Thereafter, petitioner No.1 submitted a complaint/representation to respondent No.3 (Annexure P-6) praying for protection of lives and liberty of her and her minor children. It is also contended that on 11.11.2024, petitioner No.1 and respondent No.5 were called to the office of respondent No.4, who forced her to sign a settlement agreement to get her children back, however, copy of the said agreement was not handed over to her, in which it was mandated that petitioners No.2 & 3 would remain with petitioner No.1 and respondent No.5 for one week alternatively.

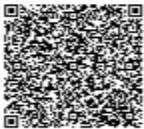
4. Learned counsel for the petitioners further submits that the petitioners would be satisfied, in case a direction is issued to respondent No.3 to consider and decide the representation (Annexure P-6) submitted by petitioner No.1 in a time bound manner.

5. Notice of motion to the official respondents only.

6. On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondents No.1 to 4-State. Learned counsel for the petitioners is directed to supply copy of complete paperbook to learned State counsel during course of the day.

7. Keeping in view the prayer made by the petitioners and without commenting anything on the merits of the case, present petition is disposed of with a direction to respondent No.3 to consider and decide the representation

2024:PHHC:149510



dated Nil (Annexure P-6) submitted by petitioner No.1 within a period of four weeks from the date of receipt of certified copy of this order, in accordance with law.

[ HARPREET SINGH BRAR ]  
JUDGE

18.11.2024  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No