



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Writ Petition No. 9322 of 2025

Date of Decision: 27.08.2025

Prachi Anil Kakitkar and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Nikhil Batta, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. The instant petition has been filed by the petitioners for directions to the respondents No. 2 and 3 to protect their life and liberty from the respondents No.4 to 8.

2. The learned counsel representing the petitioners submits that age of the petitioner No.2 is 17 years and 6 months and he is still minor. The learned counsel for the petitioner further submits that both the petitioners are living in a relationship and once the petitioner No.2 becomes major, they will marry with each other. The learned counsel for the petitioners further submits that the petitioners have filed a representation dated 22.08.2025 (Annexure P3) before the respondent No.2-Senior Superintendent of Police, Patiala. The learned counsel prays for directions to the respondent No.2 to decide the above mentioned representation within the stipulated time.

3. Notice of motion to the respondents No.1 to 3 only.

4. Since advance notice has already been served upon the State,

Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3 and waives service.

5. Learned counsel for the petitioners submits that a direction for disposing of the representation (Annexure P3) be given to the respondent No.2 and the instant writ petition be disposed of.

6. Heard.

7. While dealing with similar situation, a Division Bench of this Court in ***Ishrat Bano and another vs. State of Punjab and others (Letters Patent Appeal No. 769 of 2021, decided on 03.09.2021)*** held as under:-

“The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case, a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. No person can be permitted or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take appropriate steps in accordance with law to ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.”

8. In similar circumstances when a minor approached this Court to protect her freedom regarding marriage and seeking protection of life and liberty, the co-ordinate Benches of this Court in *Jobanpreet Singh and another vs. State of Punjab and others, 2022 (3) RCR (Civil) 890; Khuspreet Singh and another vs. State of Punjab and others, 2022 (3) RCR (Civil) 988, Akash and another vs. State of Punjab and others, 2023 (3) RCR (Civil) 372, Vikram Kumar v. State of U.T. Chandigarh 2023(4) R.C.R.(Criminal) 812 and Manisha Being Minor v. State of Haryana 2024(2) Law Herald 1193* disposed of the said petitions by passing specific directions, to the quarter concerned, to look into the representation so addressed to him qua the threat perception only and take necessary steps to protect the life and liberty of the petitioners if any threat so found.

9. In the above mentioned given fact situation, since petitioner No.2 is minor and has approached the Court, it becomes incumbent upon this Court, in its capacity as *parens patriae*, to examine what is best in the interest of the minor. In the given fact situation, it is deemed appropriate to direct respondent No.2 to take all steps in the present case as per the directions given in *Khuspreet Singh's case (supra)*.

10. In view of above, the respondent No.2 is directed to ensure through Child Welfare Police Officer that the petitioner No.2 is produced before the Child Welfare Committee within a period of one week from today. The Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015, shall take a decision as per its mandate and thereafter, send a compliance report to this Court.

11. The Registry of this Court is directed to send a copy of this

order along with the petition and annexures to the respondent No.2-Senior Superintendent of Police, District Patiala, as well as to the concerned Child Welfare Committee of Patiala, for necessary compliance.

12. As and when a compliance report is furnished by the Child Welfare Committee, the Registry will put up the same before this Court.

13. Accordingly, the present petition is hereby disposed of.

(Surya Partap Singh)
Judge

August 27, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No