
(2020) 07 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 4334 Of 2020

Renu (Minor) And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366A
Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 07 P&H CK 0084

Hon'ble Judges : Manjari Nehru Kaul, J

Bench : Single Bench

Advocate : S.K. Bishnoi, Pawan Longia

Final Decision : Disposed Of

Judgement

Manjari Nehru Kaul, J

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking direction to respondents No.2 and 3 to protect

their life and liberty and restrain private respondents No.4 & 5 from harassing or threatening them.

Learned counsel for the petitioners contends that petitioner No.1 is a minor and hence is being represented through her next friend and guardian i.e.

petitioner No.2. Further contends that the private respondents No.4 & 5 (parents of petitioner No.1) wanted to forcibly marry petitioner No.1 to an

unknown boy, as a result of which, she ran away from her home to the house of petitioner No.2, who then came to her rescue and kept her with him

on humanitarian grounds. In the meanwhile, private respondents got a false FIR

registered under Sections 363, 366-A of IPC against petitioner No.2.

Notice of motion.

On the asking of the Court, Mr. Pawan Longia, DAG, Haryana, accepts notice on behalf of the respondent â?" State. Complete copy of the paper

book has already been supplied to the learned State counsel through e-mail. Learned State counsel in compliance of the order dated 2nd July, 2020, of

this Court, has filed reply of Sh. Jagat Singh, HPS, Deputy Superintendent of Police, Ellenabad, District, Sirsa, in Court today through e-mail. A copy

of the same is taken on record, subject to all just exceptions.

A perusal of the said reply reveals that there are two FIRs registered against petitioner No.2. The first FIR No. 33, dated 02.02.2020 under Sections

363, 366-A of IPC, was registered against petitioner No.2 at the instance of respondent No.4. Petitioner No.2 was arrested in this case on 14.02.2020

along with petitioner No.1. Petitioner No.1 on being recovered refused to get herself medico legally examined vide her own hand written endorsement

on the MLR itself. Petitioner No.2 is on bail in this case. The second FIR No. 133 was also registered under Sections 363, 366-A of IPC on

23.06.2020 against unknown person at the instance of the maternal grandfather of petitioner No.1, wherein, he alleged that petitioner No.1 had been

missing from his house along with Rs. 60,000/- in cash and 3 tolas of gold jewellery and had probably been enticed away.

Learned State counsel has submitted that on an enquiry conducted by the police pursuant to directions of this Court dated 02.07.2020, the private

respondents No.4 & 5 got recorded their statements and also produced a duly sworn-in affidavit emphatically denying that they were trying to forcibly

solemnize the marriage of their minor daughter (petitioner No.1) with someone.

Learned State counsel has further submitted that in fact petitioner No.2 is a married man, who after deserting his wife is keeping petitioner No.1 in his

unlawful custody. So much so, the father of petitioner No.2 has disowned him due to his misdeeds. Not only this, the representation annexed as

Annexure P-4 was never made to the official respondents by the petitioners qua the threat which they were allegedly facing at the hands of the

private respondents. Rather, petitioner No.2 is required for custodial interrogation in case FIR No. 133, dated 23.06.2020, under Sections 363, 366-A

of IPC and the instant petition has been filed by petitioner No.2 with an ulterior

motive to fabricate evidence in his favour in the two criminal cases pending against him.

Heard.

In the circumstances, it becomes the bounden duty of this Court in its capacity as *parens patriae* to ensure the safety and well being of a minor. I,

therefore, deem it fit to direct the police to take all possible steps to secure the recovery of petitioner No.1 from the unlawful custody of petitioner

No.2 at the earliest. On doing so, the police shall produce her before the Duty Magistrate concerned and get her statement recorded with respect to

her willingness or otherwise, to return to her parents. In case she expresses her unwillingness to return to her parents, the Court concerned after

taking into consideration the 'best interests' of the minor girl would consider sending her to the nearest Nari Niketan to ensure her safety and well

being.

Consequently, the instant petition stands disposed off in terms of the above directions. Copy of this order be sent to the quarter concerned.