

HIGH COURT OF PUNJAB & HARYANA**Bench: JUSTICE KULDEEP TIWARI****Date of Decision: 26 October 2023****CRWP No. 10526 of 2023**

SANDEEP SINGH AND ANOTHERPETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERSRESPONDENTS

Sections, Acts, Rules, and Articles:

Articles 226, 227 of the Constitution of India

Hindu Marriage Act, 1955

Indian Majority Act, 1875

Juvenile Justice (Care and Protection of Children) Act, 2015

Subject: Protection of Lives and Liberty in a Live-in Relationship, Application of Juvenile Justice Act, and Disposition Based on a Previous Judgment**Headnotes:**

Protection of Lives and Liberty - Petitioners seek protection in a live-in relationship - Petitioner no. 1 is an adult, and petitioner no. 2 is a minor - No blood relationship between them - Continuous threats received - Representation filed before official respondents - Reference to a similar case involving protection for a minor in a live-in relationship - Petition disposed of in terms of the judgment dated 28.03.2022, rendered in the case of P..... Minor Through Vikram (supra). [Para 1-5]

Minor's Protection - Application of Juvenile Justice Act - Child Welfare Police Officer to produce the minor before the Committee - Enquiry under Section 36 of the Juvenile Justice Act - Orders under Section 37 of the Act - Decisions on boarding, lodging, and custody of the minor - Interim decisions for protection - Appropriate legal action against threat perception - Petitioners directed to appear before SSP/SP - Compliance report to be sent to the Court. [Para 4]

Disposition - Present petition disposed of following the judgment in the case of P..... Minor Through Vikram - Similar facts and circumstances - Protection measures ordered in line with the earlier judgment. [Para 5]

Referred Cases:

- P..... Minor Through Vikram v. State of Haryana and another (CRWP-2139-2022 (O&M), decided on 28.03.2022)
- CRWP-2140-2022 (O&M) and CRWP2250-2022 (O&M)

Representing Advocates:

Mr. Chandan Singh Rana, Advocate, for the petitioners

Present : Mr. Chandan Singh Rana, Advocate, for the petitioners

KULDEEP TIWARI,J. (ORAL)

1. The petitioners have knocked the doors of this Court by filing criminal writ petition under Articles 226/227 of the Constitution of India for issuance of directions to the official respondents no. 1 to 3 to protect the lives and liberty of the petitioners and to restrain the private respondents no. 4 and 5 not to harass or interfere in their peaceful '*Live-in-relationship*'.

2. Learned counsel for the petitioners submits that date of birth of petitioner no. 1 is 4.11.1997 and thus, he is 25 years old whereas the date of birth of petitioner no. 2 is 9.4.2006 and therefore, she is minor. To

substantiate his submission, he has placed reliance on Aadhar Cards of both the petitioners Annexure P/1 and P/2 attached with the present writ petition. It was further averred that there is no blood relationship between them and they are living in relationship and they are receiving continuous threats. They have also approached the official respondents by filing representation dated 19.10.2023, reference is made to Annexure P/3.

3. Learned counsel for the petitioners contends that the issue of providing protection in case of minor petitioner(s), by way of issuance of a writ in the nature of mandamus, has already been dealt with in detail by a co-ordinate Bench of this Court 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 CRWP2250-2022 (O&M)**. He further submits that the petitioners would be satisfied if the present petition is disposed of in terms of the aforementioned judgment, dated 28.03.2022.

4. The co-ordinate Bench in the case of **P..... Minor Through Vikram (supra)**, after noticing various provisions of the Hindu Marriage Act, 1955, the Hindu Minority and Guardianship Act, 1956, the Indian Majority Act, 1875, the Juvenile Justice (Care and Protection of Children) Act, 2015, as also the case law, while partly allowing the said petitions, issued certain directions, which reads as under:-

“26. In view of the above, the petitions are partly allowed with directions as under:-

- I. *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 appropriatedecisions 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 before 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.” Petitions are party allowed in terms as aforesaid. Registry is directed to send a copy of the order along with petition(s) and annexures to the concerned Senior Superintendent of Police/Superintendent of Police for necessary compliance.”*

5. Having considered the submission made by learned counsel for the petitioners, I am of the view that the facts of the petition in hand are similar to one noticed in the judgment rendered in the case of **P..... Minor Through Vikram (supra)**. Accordingly, the present petition is disposed of in terms of the judgment dated 28.03.2022, rendered in the case of **P..... Minor Through Vikram (supra)**.

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