

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.W.P. No. 3 of 2016

Date of decision: 29.01.2016

Prithvi Singh and another

... Petitioners

Versus

State of H.P. and others

... Respondents

Coram :

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Anand Sharma, Advocate.

For the respondents: Mr. Virender K. Verma and Mr. M.L. Chauhan, Additional Advocate Generals, for respondents No. 1 to 4.
Mr. Balraj Gujjar, Advocate, for respondent No. 5.
S.I. Panchhi Lal, SHO, Police Station Sangrah, District Sirmour, H.P. is also present.

Dharam Chand Chaudhary, J. (Oral):

In this writ petition, a direction has been sought to be issued to respondents No. 1 to 4 qua production of Neelam, minor daughter of the petitioners allegedly detained illegally by respondent No. 5 and to hand over her custody to them. Also that respondent No. 5 be ordered to be prosecuted in accordance with law.

2. Though the police has failed to produce Kumari Neelam in this Court, however, in view of repeated visits of police to the place of respondent No. 5, she has herself appeared today in the Court and in her statement recorded separately admitted that she left the company of her parents, the petitioners, with respondent No. 5 Kuldeep with a

¹Whether reporters of Local Papers may be allowed to see the judgment?

view to solemnize marriage with him. She, however, could not solemnize marriage with Kuldeep as her father was not interested in her marriage with said Kuldeep. She also admit the filing of a joint petition filed by them (herself and Kuldeep) in Punjab and Haryana High Court for providing them protection on apprehending danger to their lives at the hands of her father Prithvi Singh. Any how she is now no more interested to live in the company of respondent No. 5, Kuldeep. She as per school leaving certificate Annexure **P-1** being born on 09.08.1998, is below 18 years of age and on 02.08.2015 when left the company of her parents, was 17 years of age.

3. Learned counsel representing respondent No. 5 has pointed out that Neelam has solemnized marriage with the said respondent voluntarily. The record pertaining to the petition filed in the High Court of Punjab and Haryana has been pressed in service to substantiate the submissions so made. However, keeping in view the nature of the relief sought in this petition, there is no need to look into this aspect of the matter and left open to be considered by a competent Court in appropriate proceedings if initiated by either party in accordance with law.

4. So far as this petition is concerned, since Neelam, the missing girl, has now appeared in the Court and is no more interested to live in the company of respondent No. 5, therefore, her custody has been entrusted to her father Prithvi Singh present in the Court. His statement to this effect has also been recorded separately. The purpose for which this petition has been filed stands served and the same is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

5. It is, however, left open to the petitioners to initiate proceedings against respondent No. 5 in accordance with law if so advised.

January 29, 2016
(BSS)

(Dharam Chand Chaudhary),
Judge