

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-36931 of 2014
Date of decision : 09.01.2015**

Sukhwinder Kaur & othersPetitioners
versus

State of U.T. Chandigarh & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.S. Sidhu, Advocate for the petitioners.

Mr. Davinder Kumar, Advocate for UT Chandigarh.

RITU BAHRI , J. (Oral)

Quashing of the FIR No.135 dated 20.05.2014 under Sections 363, 342, 34 of IPC, registered at Police Station Industrial Area, Chandigarh (Annexure P-1) and its consequential proceedings on the basis of compromise (Annexure P-2), is being sought.

FIR was registered by respondent No.2-complainant alleging that her younger son was born on 16.09.2007. After his birth, she was not maintaining good health and due to that she had called her brother to her matrimonial home and her brother use to take care of her and her children. At that time, her mother lived with her for a period of about one year. Due to this, her younger son was having great affection for her mother and her mother took her younger son alongwith when she went

back to her parental house. When she regained her health, she went to take her son from her mother, her mother started saying that she was having great affection and love for the child and they were not having any child at home and even her brother was not having any child from his marriage, they were happy to have the child with them and the child should be left with them. Thereafter, her son started going to school but her brother committed fraud with her. Her brother was blessed with a baby girl. After this, her brother and sister-in-law stopped taking care of her son in a proper manner and also started giving beatings to him and they also thought of ruining his future and all this was kept concealed from her. When she came to know about this fact, she went to her parental house and told her mother and brother that she wanted to take back her child but her brother told her that they would send her child after one week. After one week, when she went to take her son, she came to know that her brother and sister-in-law had taken her son to some unknown place. She requested her mother her son be given back to her. At this her mother told her that her brother and sister-in-law did not want to give her son back. With these allegations, FIR was lodged.

Now, the matter has been amicably settled between the parties.

In compliance of the order dated 30.10.2014, status report

has been received from the Judicial Magistrate 1st Class, Chandigarh and the statements of the parties have been recorded to the effect that they have compromised the matter.

Consequently, in view of the status report and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FFIR No.135 dated 20.05.2014 under Sections 363, 342, 34 of IPC, registered at Police Station Industrial Area, Chandigarh (Annexure P-1), is quashed with all consequential proceedings arising therefrom qua petitioners.

The petition stands disposed of qua petitioners.

09.01.2015
Vinay

(RITU BAHRI)
JUDGE