

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-35435-20119
Date of decision: 29.11.2019**

Yasmeen

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhisham Kumar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No.491 dated 04.10.2018 registered under Sections 363, 188 IPC at Police Station Faridabad Kotwali, District Faridabad (Annexure P1) and all other subsequent proceedings arising therefrom.

On 29.08.2019, the following order was passed:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, which was registered at the instance of respondent No.2 Ashish Vij, the Ex-husband of the petitioner, the petitioner being mother has taken away the custody of their 06 years old son Himan @ Ram on 04.10.2018. It is further submitted that on the face of it from the perusal of the FIR, no offence is made out as the petitioner being the mother and natural guardian of the child has a right to have the custody of the child. Counsel for the petitioner has relied upon certain orders passed inter se parties to show that a decree of divorce between the parties was granted by the Court under Section 13-B of the Hindu Marriage Act on

03.07.2018 and thereafter when vide order dated 18.10.2018, the Child Welfare Committee has granted the custody of the child to the petitioner being the mother, the said order was challenged by respondent No.2 before the Appellate Authority, which was dismissed on 09.01.2019. Notice of motion for 29.11.2017. Mr. Himmat Singh, DAG, Haryana, who is present in the Court accepts notice on behalf of the respondent No.1. Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day. List again on 29.11.2019. In the meantime, the trial Court is directed to adjourn the case beyond the date fixed before this Court. The Commissioner of Police, Faridabad is directed to look into the allegations raised in the FIR and file a specific affidavit on or before the next date of hearing as to how the offence under Sections 363 and 188 IPC are made out.”

Learned State counsel has filed the affidavit of Commissioner of Police, Faridabad today in Court and as per the same, the police, after completing the investigation, has prepared a cancellation report and on 13.11.2019, an application for discharging the accused has been filed before the trial Court.

In view of the same, no further action is called for in the present petition and the same is disposed of.

Liberty is granted to the petitioner to approach the Illaqua Magistrate/trial Court for redressal of her grievance, if any.

29.11.2019

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*