

136+231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-867-2024 in/and
CRM-M-30280-2019
Date of decision: 02.02.2024

MANDEEP SINGH THIND
V/S
...PETITIONER

STATE OF PUNJAB
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aman Arora, Advocate
for the applicant/petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

CRM-867-2024

The instant application has been filed for placing on record the Additional Affidavit and Annexures P-4 to P-11.

For the reasons mentioned in the application, same is allowed.

Additional Affidavit and Annexures P-4 to P-11 are taken on record.

MAIN CASE

The prayer in the present petition filed under Section 482 of Code of Criminal Procedure is for quashing of FIR No.212 dated 26.09.2017 registered under Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as ‘the Act’) at Police Station Phase-I, Mohali.

2. The present FIR was lodged on the complaint made by Legal Services Authority, on the allegations that the mother of the petitioner has been

CRM-867-2024 in/and
CRM-M-30280-2019

forced to become a destitute and her children are not looking after her and she has been living in a Gurdwara Sahib and thereafter shifted to Prabh asra (old age home).

3. Learned counsel for the petitioner *inter alia* contends that perusal of the FIR (supra) clearly indicates that the elder brother of the petitioner is residing in Mohali along with his family and petitioner is alleged to have been residing in Canada. No specific instance or manner has been indicated in the FIR (supra) to make out a case under Section 24 of the Act. Learned counsel for the petitioner further contends that his mother herself had chosen to stay at the old age home as she was more comfortable in the company of her age-mates. The petitioner, being a Canadian citizen, has no inclination that his mother requires any assistance either financially or emotionally. The perusal of the FIR further reveals that the mother of the petitioner during her lifetime has not made any objection or complaint against the petitioner or his elder brother and the FIR was lodged only on the basis of a news item.

4. Learned counsel for the petitioner further relies upon Annexures P-4 to P-11, to indicate that prior to the registration of the FIR, the petitioner came to India in the year 2017 and took care of his mother and got her treated by taking her to hospital, which is clearly discernible from the above said annexures. As such, it is apparent on record that the petitioner has never neglected his mother and he has paid for her medical treatment as well. Unfortunately, on 28.12.2018, the mother of the petitioner passed away and being Canadian citizen, it was not possible for the petitioner to remain in the company of his mother and furthermore, he requested his mother to shift to Canada on several occasions but she never wanted to settle in Canada.

5. Per contra, learned State counsel on instructions from ASI

Balwinder Singh, opposes the prayer of the petitioner on the ground that FIR (supra) was registered after a complaint made by District Legal Services Authority and petitioner and his brother both are liable for ignoring the welfare of their mother and she was compelled to live in a destitute home. As such, the petitioner is liable for his prosecution under Section 24 of the Act.

6. Having heard learned counsel for the parties and after perusing the records of the case, this Court finds force in the arguments advanced by learned counsel for the petitioner. Admittedly, the petitioner being a Canadian citizen and was not living with his mother. Moreover, even prior to the registration of the FIR, he visited India and had taken care of his mother by getting her medically treated in the month of September, 2017. No complaint whatsoever was made by his mother against the petitioner during her lifetime.

7. Keeping in view the facts and circumstances of the case, the present petition is allowed and the and FIR No.212 dated 26.09.2017 registered under Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 at Police Station Phase-I, Mohali and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

February 02, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |