

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM (M) No. 787/2023

CrIM No. 1520/2023

Parveen Akhter & Anr.

...Petitioner/Appellant(s)

Through :- Mr. Arshad Parvaiz Malik, Advocate

V/s

Khaliq Mehmood

...Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
13.09.2023

1. Petitioners through the medium of this petition under Section 482 Cr.P.C seek quashment of application/complaint bearing File No. 1102/2023 dated 04.09.2023 titled "*Khaliq Mehmood vs. Mohd. Sharief & Ors.*" which is pending for disposal before the court of learned Judicial Magistrate Mendhar, in which process has been issued against the petitioners and warrant has been issued against them for production of a minor child, aged about 08 years born out of the wedlock of Petitioner No. 1-Parveen Akhter and Respondent-Khaliq Mehmood.
2. Learned counsel for the petitioners submits that warrant has been issued against the mother of the child, who is the natural guardian and the proceedings under Section 97 Cr.P.C cannot be carried out in such a situation for procuring the custody of a child, from lawful custody of a legal guardian.
3. Heard.

4. Issue notice to the respondent, returnable within four weeks, subject to filing of requisites within one week.
5. List on **16.10.2023**, before the learned Registrar Judicial for completion of service/pleadings.
6. Meanwhile, having regard to the peculiar facts and circumstances of the case and subject to objections from the other side and till next date of hearing before the Bench, proceedings before the court below are stayed.

(MA Chowdhary)
Judge

Jammu:
13.09.2023
Manan

