

ORDER SHEET

**THE HIGH COURT OF SINDH BENCH AT SUKKUR**

CRL.MISC.APPLN. NO.S-115 OF 2012

For Katcha Peshi

10.08.2012

Mr. Shahid Ali K. Memon for the applicant  
along with applicant and minor Kids Master  
Muhammad Umar and Baby Asia  
Mr.Syed Sardar Ali Shah, APG, for the State  
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Applicant filed an application under Section 491 Cr.P.C, against her husband Abdullah, for recovery of detenue minor Kids Muhammad Umar aged about seven years and Baby Asia aged about three years.

After filing this application, detenues were produced by the SHO PS "A" Section Sukkur on 19.03.2012; on same date, as an interim arrangement, both minors were handed over to the applicant.

Respondent is un-served though repeated notices have been issued.

Learned counsel for the applicant contends that he filed Guardianship Application before the Court of Family Judge, Sukkur, being Family Suit NO. 08 of 2011; Family Court, by order dated 30.04.2012, has decided the welfare of both the minors in favour of the applicant. Resultantly that guardianship application for custody was allowed by the Family Court.

Since, this is an application moved under Section 491 Cr.P.C for wrongful confinement that has served the purpose on the last date of hearing 29.03.2012; interim custody was handed over to the mother on the ground that detenues were having tender age.

Under these circumstances, this application has become infructuous, dismissed accordingly.

  
JUDGE

Brohi

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