

Court No. - 89

Case :- APPLICATION U/S 482 No. - 45191 of 2023

Applicant :- Hari Mohan

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Dharm Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant; learned AGA for the State respondent and perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash the recovery arrest warrant dated 05.05.2023 passed by the Principal Judge Family Court Hamirpur in CrI. Misc. Case No. 456 of 2022 (Smt. Arti Vishwakarma Vs. Hari Mohan) under Section 125 (3) Cr.P.C. P.S. Sumerpur, District Hamirpur.
3. The applicant has challenged the recovery warrant by which attachment proceedings initiated against the applicant in pursuance of the order passed in proceedings under Section 125 Cr.P.C. The application under Section 125 Cr.P.C. was allowed on 13.07.2022 with observation that applicant shall pay Rs.5000/- to opposite party no. 2 and Rs.2000/- to opposite party no. 3. Counsel for the applicant submits that applicant has deposited Rs.1,80,000/- which is evident from the order dated 16.06.2023 and recovery warrant has been issued for amount Rs. 2,70,000/-. He next submits that applicant is ready to pay the whole amount if some installment be fixed for payment of Rs.2,70,000/- as applicant is not in a position to deposit Rs.2,70,000/- in one force.
4. Learned A.G.A. opposed the submissions raised by counsel for the applicant and submitted that intention of the applicant is not fair.
5. Considered the argument raised by counsel for the parties. The prayer made by counsel for the applicant for instalment, is accepted, as such, three instalments is being fixed for Rs.2,70,000/-.
6. It is directed that if the applicant deposits Rs.1,00,000/- within a

period of one month from today, the recovery proceedings initiated against the applicant shall be kept in abeyance. The rest of the amount shall be deposited within a period of two months.

7. If the applicant fails to deposit Rs.1,00,000/- within one month, the stay order granted by this Court shall have no effect and the court shall proceed in accordance with law.

8. With the aforesaid directions, the application under section 482 Cr.P.C. is disposed off finally.

Order Date :- 12.12.2023

Meenu Singh