

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15827-2015

Date of decision: 14.05.2015

Dr. Amit Jain

..... Petitioner

Versus

Smt. Komal Jain and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. Rajeev Sharma, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

Challenge in the instant petition filed under Section 482 Cr.P.C. is to the order dated 23.03.2015 (Annexure P-5) passed by the learned Additional Sessions Judge, Ludhiana whereby the revision filed by respondent No. 1-Komal Jain against the order 14.11.2014 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Ludhiana was accepted by reversing the observations made in the order Annexure P-4 “however, it is clear that it is the DH who is not ready to join the company of JD for the reasons best known to her”.

I have heard learned counsel for the petitioner and have gone through the paper-book.

The execution petition was pending before the learned

Magistrate with regard to recovery of arrears of maintenance granted in favour of respondents and that order attained finality up to the Hon'ble Supreme Court. A statement dated 14.11.2014 (Annexure P-3) was made by respondent No. 1-DH wife of petitioner-JD that she was not prepared to go with JD (petitioner herein) due to un-cooperative conduct of petitioner-JD from the very beginning and despite this the petitioner-JD has levelled scandalous allegations against DH and her mother. In view of the above, there was no scope at all for making the above observation calling for interference by this Court, even if the learned Revisional Court was not competent to entertain the revision.

I would rather approve the impugned order dated 23.03.2015 (Annexure P-5) passed by the Revisional Court, in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.

The instant petition stands dismissed.

Learned counsel for the petitioner, however, submits that a petition under Section 125 (5) Cr.P.C. is still pending in which prayer is made for revocation of the maintenance amount.

If that be so, the parties can put up there case which is to be of course decided in accordance with law but these offending observations made above would have definitely prejudiced the case of respondents if these are allowed to be retained in the order Annexure P-4 of the trial Court.

May 14, 2015
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(R.P. NAGRATH)
JUDGE