

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-20489 of 2015 (O&M)
Date of Decision: August 27, 2015

Gagan Suri

...Petitioner

VERSUS

Barkha Suri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Reeta Kohli, Advocate with
Ms.Guneet Babbar, Advocate
for the petitioner

None for the respondents.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 17.03.2015 passed by learned JMIC, Panchkula granting maintenance of ₹28,000/- per month in case under Section 125 Cr.P.C. filed by the respondents and also the impugned order dated 15.05.2015 passed by learned Addl. District Judge, Panchkula to stay order dated 17.03.2015.

On the last date, notice of motion was issued for the purpose of exploring the possibility of settlement and as argued by learned counsel for the petitioner, there is still possibility of amicable settlement between the parties.

As per office report, vakalatnama has already been filed

on behalf of respondents No.1 and 2 but today none appeared on behalf of the respondents.

It has been brought to the notice of the Court during the hearing that against the order dated 17.03.2015, a revision has already been filed, which is pending before the Sessions Court, which is also clear from Annexure P-2, in which notice has already been issued to respondents for 09.07.2015. When the petitioner is availing the remedy to challenge the order Annexure P-1 before Sessions Court in revision, then filing of present quashing petition simultaneously before this Court for quashing same order Annexure P-1, is nothing but abuse of process of law. It looks from the order passed by this Court on the last date that this fact has not been brought specifically to the notice of the Court that already revision against the impugned order dated 17.03.2015 is pending before the Sessions Court.

In view of these circumstances, the present petition is not maintainable as the petitioner has already availing the remedy by way of revision.

Therefore, the present petition being not maintainable, stands dismissed.

August 27, 2015
Vgulati

(INDERJIT SINGH)
JUDGE