

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No.M-5190 of 2015

Date of Decision: 18.02.2015.

Hanuman Singh PETITIONER

Versus

Mrs. Ratna Singh and another

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj Kumar Sood, Advocate,
for the petitioner.

LISA GILL, J.(Oral)

This petition has been filed for quashing of order dated 17.12.2014 (Annexure P-4) passed by the learned District Judge, Family Court, Faridabad.

Brief facts of the case are that, on an application moved by respondent i.e. Smt. Ratna Singh wife of petitioner-Hanuman Singh and Master Keshri Singh, son of the petitioner under Section 125, Cr.P.C. for grant of maintenance, it was directed by the learned District Judge, Family Court, Faridabad that the petitioner shall pay ₹2500/-

per month to respondent No.1 and ₹1500/- per month to respondent No.2 as maintenance allowance from the date of filing of the petition vide order dated 19.10.2011 (Annexure P-1).

Petitioner husband filed the reply to the petition but did not appear thereafter, thus he has been proceeded against ex parte.

As no maintenance was paid pursuant to order dated 19.10.2011, an execution petition under Section 125 (3) Cr.P.C. was filed on 04.12.2012 wherein conditional warrant of arrest was issued on 18.09.2014. On it being received back unexecuted, fresh conditional warrant of arrest has been issued on 17.12.2014 for 27.03.2015 (Annexure P-4).

Challenge in this petition is laid to issuance of conditional warrant of arrest while submitting that petitioner had in fact been kidnapped by his in-laws on 08.04.2011 and complaint No.1802/11 in this regard filed by his father Shivpujan Singh is pending before Judicial Magistrate at Allahabad (Annexure P-5). It is further submitted that application for setting aside the ex parte order was moved by the petitioner on 19.10.2011 (Annexure P-2). The matter is fixed for hearing on 20.02.2015 for arguments. However, it is conceded that there is no ad-interim order passed in

petitioner's favour in the said application.

Learned counsel for the petitioner further submits that complaint under Sections 498A, 406 and 506, IPC is pending for orders at Faridabad.

On a pointed query, learned counsel on instructions submits that no amount of maintenance has been paid by the petitioner till date and that the petitioner is not in a position to pay the amount of arrears due from him.

In the facts and circumstances of the case, I do not find any irregularity and infirmity in the impugned order dated 17.12.2014 (Annexure P-4) passed by the learned District Judge, Family Court, Faridabad directing for issuance of conditional warrant of arrest qua the petitioner.

This petition is accordingly dismissed.

18.02.2015.
Anoop

(LISA GILL)
JUDGE