

CRR(F)-268-2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR(F)-268-2015

Date of decision: 09.10.2015

Krishan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S. Sahu, Advocate,
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 04.09.2015.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Impugned order reads as under:-

“Conditional warrant of arrest of respondent received back unexecuted. Executing official has also come present in the Court. Heard. Now fresh conditional warrant of arrest of respondent be issued for 29.09.2015 through S.H.O. concerned Police Station. The petitioner is directed to accompany the executing official for identifying the

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respondent. A red ink note be given on the conditional warrant of arrest that in case of non-execution of conditional warrant of arrest, the S.H.O. concerned police Station shall appear before this Court for showing cause.”

Petitioner got married to respondent No.2 on 14.06.1995. Respondents No.3 and 4 were born out of the said wedlock. Respondent No.2 to 4 had filed a petition under Section 125 of Criminal Procedure Code, 1973 (“Cr. P.C.” for short) seeking maintenance and the same was allowed vide order dated 18.08.2006. Thereafter, respondents No.2 to 4 moved a petition under Section 127 Cr.P.C. for enhancement of maintenance amount. In the said proceedings, petitioner appeared and filed his written statement and also led his evidence but thereafter he was proceeded ex parte. Vide order dated 30.03.2013, the petition was allowed and the maintenance amount qua respondent No.2 was enhanced from ₹1,000/- per month to ₹2,000/- per month and qua respondents No.3 and 4 from ₹500/- per month each to ₹1,000/- per month each. Since the petitioner had failed to pay the said amount, respondents No. 2 to 4 filed execution proceedings. Since, the petitioner has not been appearing in the said proceedings, the executing court had no option but to issue the conditional warrant of arrest of the

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petitioner.

In the facts and circumstances of the present case,
no ground for interference, by this Court, is made out.

Dismissed.

October 09, 2015
kapil

(SABINA)
JUDGE