

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

**Criminal Misc. No. M-10797 of 2016
Date of decision: 30.03.2016**

Jashandeep Singh Grewal

..Petitioner

Versus

Pritika Singh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. J.S. Cooner, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 12.02.2016 (Annexure P-2) passed by Judicial Magistrate Ist Class, Panchkula, whereby, the defence of the petitioner has been struck off.

Learned counsel for the petitioner submits that the respondent-wife filed a petition under Section 125 Cr.P.C. for grant of maintenance wherein notice was issued to the petitioner and reply to the said petition was not filed by him as he was away to Canada. Learned counsel further submits that certain documents were necessary for filing reply but the same could not be sent by the petitioner to the lawyer whereas his lawyer was appearing on each

and every date. Ultimately, vide impugned order dated 12.02.2016, the defence of the petitioner was struck off. Learned counsel also submits that the petitioner would file reply in case, one opportunity is granted to him, the date fixed before the trial Court is 25.04.2016 and no prejudice is going to be caused to the other party. He further submits that the petitioner is not going to get any further adjournment for filing reply.

Without issuing notice to other party as it may delay the proceedings and other party may unnecessarily be harassed; keeping in view the limited prayer of the petitioner; as well as by considering the fact that the date fixed before the trial Court is 25.04.2016 and only one opportunity is required for filing reply, the present petition is allowed and the petitioner is granted one opportunity to file reply to the petition filed under Section 125 Cr.P.C. subject to payment of costs of ₹15,000/- to the respondent by way of draft.

However, it is made clear that in case, the petitioner fails to file reply on one date, he shall not be allowed any further opportunity.

30.03.2016
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(DAYA CHAUDHARY)
JUDGE