

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

**Crl. Misc. No.M-23236 of 2016 (O&M)
Date of decision : 26.07.2016**

Simranjit Singh

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person.

ANITA CHAUDHRY, J.

This is a petition filed under Section 482 Cr.P.C. seeking stay of the warrants issued against the petitioner during the pendency of the matter before the Sessions Court.

The petitioner urges that a complaint under the Domestic Violence Act had been filed by his wife and interim order for payment of maintenance was ordered. The petitioner urges that Rs.6,000/- per month as maintenance has been allowed in the proceedings filed under Section 125 Cr.P.C. and the Magistrate allowed Rs.10,000/- per month as maintenance in the Domestic Violence Act proceeding and he had filed an appeal which is pending before the appellate Court and appellate Court refused to stay the conditional warrants issued by the Magistrate. He urges that he had offered to deposit the amount by 17.08.2016 but he received the warrants and the police had arrived at his house to arrest him. He states that he had

approached the Court for modification of the maintenance amount and that application has not been decided and therefore, the conditional warrants be stayed.

A perusal of the various orders placed on record show that his appeal against the order passed on the proceeding under the Domestic Violence Act is still pending before the Court below. During the pendency of the appeal he has approached the High Court under Section 482 Cr.P.C. While awarding maintenance under the Domestic Violence Act the Judicial Magistrate had noted that some amount was being paid and had allowed the said amount to be adjusted with the amount that he was paying.

I have perused the various documents available on record and am of the view that the petition is not maintainable. The matter is pending before the appellate Court. The petitioner should have approached the appellate Court for redressal of his grievances.

The petition is dismissed being not maintainable.

26.07.2016

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No