

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

**CRM No. M-24036 of 2016
DECIDED ON: AUGUST 29, 2016**

ARVINDER PAL SINGH

....PETITIONER

VERSUS

HARSHDEEP SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Tapish Gupta, Advocate
 for the petitioner.

JASPAL SINGH, J

By virtue of this petition preferred under Section 482 Cr.P.C petitioner has sought the quashing of execution proceedings No. 96 of 2015 captioned as “Harshdeep Singh vs. Arvinder Pal Singh” arising out of case No. 332 of 2015 pending disposal in the Court of Ms. Jatinder Kaur, District Judge, Family Court, SBS Nagar and all subsequent proceedings arising therefrom, as well as the orders dated September 09, 2015 and December 03, 2015 (Annexures P-8 and Annexure P-10, respectively).

The contention of learned counsel for the petitioner is that petition under Section 125 Cr.P.C. preferred by the respondent-Harshdeep Singh was dismissed as withdrawn on February 17, 2014 but subsequently, it has been revived/restored vide impugned order dated September 09, 2015 passed by District Judge (Family Court), SBS Nagar. The revival/restoration of application amounts to review the order dated February 17, 2014 does not

permissible under law. Section 362 Cr.P.C. bars a Court to alter its judgment after passing it. As such the impugned order is not sustained. Similarly, another order dated December 03, 2015 has been passed after the revival of complaint, whereby, the salary of the petitioner has been attached and ordered to be deducted.

This Court has considered the aforesaid submissions made by learned counsel for the petitioner but does not find the same to be of any legal substance, in view of the facts and circumstances of the case.

Undisputably, Manbinder Kaur mother of respondent-Harshdeep Singh filed a petition under Section 13 of Hindu Marriage Act, 1955 (for short 'Act') against the petitioner on the ground of cruelty. During the pendency thereof, with the efforts put on by the respectables and the relatives a compromise was arrived at in between them. In pursuance of which, Manbinder Kaur mother of respondent withdrew the petitioner under Section 125 Cr.P.C. Subsequent thereto, in compliance of terms and conditions of the compromise, Manbinder Kaur and Arvinder Pal Singh preferred a petition under Section 13-B of the Act. They also suffered statements at the preliminary stage in the Court of District Judge, Family Court, SBS Nagar. Subsequently, on September 03, 2014, petitioner withdrew his consent for mutual divorce. As a result of which, petition under Section 13-B of the Act, filed by the petitioner and Manbinder Kaur i.e. parents of respondent-Harshdeep Singh was dismissed on September 03, 2014.

It would be pertinent to mention here that petition under Section 125 Cr.P.C. was got dismissed as withdrawn only on the ground that a compromise was effected between the parents of respondent-Harshdeep Singh. It clearly spells out that petitioner did not fulfil the conditions reflected in the

compromise effected between them and has withdrawn his consent for mutual divorce.

Thus, in such circumstances respondent-Harshdeep Singh cannot be made to suffer for the conduct of his parents particularly, his father i.e. the petitioner in the instant petition. As such revival of petition under Section 125 Cr.P.C. is legally and factually justified. Similarly, issuance of warrants of attachment for the recovery of maintenance allowance is also in consonance with the law. In the facts and circumstances of the instant case, Section 362 Cr.P.C is not applicable.

In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such the same is dismissed.

AUGUST 29, 2016
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>