

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1904 of 2018

Vyas Narayan Kurre S/o Hriram Kurre, Aged About 63 Years ,Niwashi - Gram Gangajal Via - Navagarh, Thana Shivrinarayan, District Janjgir Champa, Hal Mukam Ginni Petrol Pump Ke Pass Akaltara Road Shriram Colony Janjgir, Distict Janjgir Champa Chhattisgarh. ---- **Petitioner**

Versus

1. Smt. Kala Kurre W/o Vyas Narayan Kurre, Aged About 49 Years R/o Gram Bhansoj Thana Aarang, District Raipur Chhattisgarh.
2. Prashant Kurre, S/o Vyas Narayan Kurre, Aged About 12 Years (Minor), Smt. Kala Kurre, Wife Of Vyas Narayan Kurre, R/o Gram Bhansoj Thana Aarang, District Raipur Chhattisgarh. ---- **Respondents**

For Petitioner

: Mr. Abdul Wahab Khan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/07/18

1. The petitioner has filed this writ petition against the order dated 20.03.2018 (Annexure – P/3) by which warrant of arrest was directed to be issued against the petitioner under Section 125 of the Cr.P.C for non-deposition of maintenance allowance to the respondents.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law as his application under Section 126(2) of the Cr.P.C. for setting aside the *ex-parte* order dated 16.06.2015 is pending consideration before the Family Court, Raipur.
3. I have heard learned counsel for the petitioner and perused the order impugned with utmost circumspection.
4. Be that as it may, the petitioner would be at liberty to make an application before the Family Court, Raipur stating that the application filed by him under Section 126(2) of the Cr.P.C. is pending consideration but there is no ground to interfere with the warrant of arrest. As such I do not find

any merit to entertain this writ petition.

5. With the above stated observation, the writ petition is disposed of with aforesaid liberty reserved in favour of the petitioner. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge

Priyanka