

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

**CRM-M-31177-2019 (O&M)
Date of Decision : 23.07.2019**

Rashpal Singh

..... Petitioner

Versus

Anjana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Gagandeep Singh Manku, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 22.05.2019, passed in execution application No.CRM-394-2019 dated 06.09.2018 in CRR-139-2017, by the learned Family Court, Jalandhar, vide which the application for amendment, filed by respondents/decree holders has been allowed.

Earlier, the petitioner preferred a revision petition challenging the order dated 16.11.2017, vide which the respondents were granted interim maintenance. Thereafter, the respondents moved an application for execution of the maintenance order. The application was submitted in the form as prescribed in the Code of Civil Procedure (Form No.6). The petitioner raised objections that the proceedings under Section 125 Cr.P.C. is purely of criminal nature but the execution application has been filed under the provisions of Order 21 Rule 11 CPC on the prescribed form No.6. (ibid). Thereafter, an application was moved for amendment of the execution application which was allowed vide order dated 22.05.2019,

passed by the learned Principal Judge, Family Court, Jalandhar and the execution application was converted under Section 128 Cr.P.C.

The purpose of filing the application for execution was to execute the maintenance order. The provisions under Section 125 Cr.P.C. are quasi civil and quasi criminal in nature. Form No.6, as provided under the Civil Procedure Code, is meant to provide information with regard to total amount, costs, interest etc. If the application was filed under form 6 (ibid), it will not cause any prejudice to the petitioner. Neither the application is rejected on this score nor the petitioner is denying to make the payment of maintenance amount. Apart from this, now the amendment has already been made and the said application has been treated under the provisions of Section 125 Cr.P.C. It seems that the petitioner is reluctant to make the payment of maintenance to his minor children as well as to his wife.

In this view of the matter, this court is of the view that the impugned order does not suffer from any illegality, irregularity or infirmity and the same does not call for any interference and is hereby affirmed.

Accordingly, the instant petition stands dismissed. The executing court is directed to execute the maintenance order in accordance with law.

(RAJ SHEKHAR ATTRI)
JUDGE

23.07.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No