

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

CRR No.5013 of 2018

Date of decision: 5th March, 2019

Parmod Kumar

... Petitioner

Versus

Poonam

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. IPS Kohli, Advocate for the petitioner

FATEH DEEP SINGH, J.

Heard.

Apparently learned counsel for the petitioner and so the petitioner on the misconceived notion had sought to seek stay on the proceedings under Section 125 Cr.P.C. which were being carried out before the concerned Court by moving another application for initiation of proceedings under Section 340 Cr.P.C. read with Section 195 Cr.P.C. totally in oblivion that under Section 340(1) Cr.P.C. it is incumbent upon the Court to hold such preliminary inquiry as it may deem necessary.

To the specific query of the Court, learned counsel for the petitioner could not address how the proceedings under Section 340 Cr.P.C. read with Section 195 Cr.P.C., which are yet to be initiated by the Court after preliminary hearing, could put to hold proceedings under Section 125 Cr.P.C. which are at an advance stage of trial of the application for maintenance. More so, the proceedings under both these

provisions are poles apart. Learned counsel for the petitioner could not convince this Court what illegality or perversity has come about in the impugned order dated 17.10.2018. Rather to the mind of this Court, it is a clever guise set up by the petitioner to put to hold the proceedings under Section 125 Cr.P.C. so as to jeopardize the rights of the respondent wife Poonam by such a frivolous application of stay. Thus, this Court does not feel that there is any legal worth in the present revision petition and the same as such stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

March 5, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No