

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

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**CRM-M-43524-2022
Decided on : 20.09.2022**

Gagandeep Singh

... Petitioner

Versus

Simranjeet Kaur @ Simran Jeet Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

PRESENT: Mr. Anil Kumar, Advocate
for the petitioner .

RAJESH BHARDWAJ, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C. praying for setting aside the impugned order dated 25.07.2022 (Annexure P-2) passed by the Additional Principal Judge, Family Court, Ludhiana in a petition under Section 125 of the Criminal Procedure, 1973, wherein the defence of the petitioner was struck off and permission to file written statement was denied.

It has been contended by the learned counsel for the petitioner that the petition under Section 125 Cr.P.C. was filed by the respondent No. 1-wife and respondents No. 2 and 3-minors in November 2021 and the date of first appearance was 13.01.2022. The petitioner-husband appeared on that date. However, thereafter he submits that due to the outgoing pandemic of COVID-19, there was restricted functioning in the Courts and on account of the same, the petitioner could not file his reply in the due course. He has submitted that the petitioner is a villager and has no intention to delay the trial. He has submitted that the trial Court has struck off the defence of the petitioner without taking into consideration the peculiar facts and circumstances of the case. He submits that the petitioner undertakes to file the reply and join the proceedings without causing any delay

whatsoever on his part.

After hearing the counsel for the petitioner, who has prayed for interim relief, this Court is of the opinion that the petitioner is a labourer and because of attending circumstances, he could not join the proceedings. It would be against the interest of justice in debarring the petitioner from joining the proceedings. However, as the proceedings under Section 125 Cr.P.C. are summary in nature and are meant for providing speedy remedy of maintenance to the wife and minors, the petitioner cannot be exonerated for the delay caused in the trial.

From the facts and circumstances, I do not find it appropriate to issue notice at this stage and thus the impugned order dated 25.07.2022 is hereby quashed, to meet the ends of justice.

The petitioner would appear before the family Court within 10 days from today and if he appears, then the family Court would grant the opportunity to the petitioner to file the reply as per the convenience of the roster. The family Court would ensure that the petitioner do not cause any unnecessary delay in the proceedings. In case the ld. trial Court finds the petitioner misusing this order, it would be at liberty to take the requisite action as in accordance with law.

Petitioner would pay a sum of Rs.15,000/- as cost to the respondent wife within 15 days from the receipt of the order.

Disposed of accordingly.

(RAJESH BHARDWAJ)
JUDGE

20.09.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No