

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

**CRM-M-27821 of 2023
Date of Decision: 30.05.2023**

Yatan Gupta

.... Petitioner

Versus

Nishta Baranwal

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Umesh Aggarwal, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

The petitioner by way of present petition filed under Section 482 Cr.P.C. challenges the proceedings initiated against him by the learned Judicial Magistrate 1st Class, Amritsar, whereby the learned Court has ordered conditional warrants to be issued against the petitioner for not making payment of interim maintenance.

Learned counsel for the petitioner submits that the petitioner is ready to maintain his wife and also he is ready to get the matrimonial dispute sorted out. Further, learned counsel for the petitioner submits that the Family Court has rejected the application filed by the wife under Section 125 Cr.P.C. as she was not present before the Family Court. Learned counsel has also taken this Court to an FIR registered by his mother against his wife wherein his mother alleges his wife to have taken away all the gold ornaments and money which was kept in his wife's locker and thereby she claims that she has been cheated.

I have considered the submissions and finds that the wife has

filed application under Section 125 Cr.P.C. for grant of maintenance, apart thereto, she also filed proceedings under the Protection of Women from Domestic Violence Act, 2005 before the competent Court and the concerned competent Court has passed an order under the Domestic Violence Act, 2005 granting interim maintenance @ Rs.15,000/- from the date of filing of the petition and litigation expenses of Rs.25,000/- were also granted. The order dated 19.11.2019 whereby the aforesaid maintenance amount was granted, has not been challenged in any Court of law and has attained its finality. The petitioner was, therefore, bound to pay the maintenance as directed by the ACJM, Amritsar. It is for the execution of the said order that the proceedings have been initiated against the petitioner whereby conditional warrants have been issued.

The submissions of the learned counsel for the petitioner relating to the rejecting of the application under Section 125 Cr.P.C. would, therefore, have no effect or cannot be a ground for non payment of interim maintenance awarded under the Domestic Violence Act, 2005. It is apparent that the petitioner has shown disrespect to the orders passed by the Court under the Domestic Violence Act, 2005.

Prima facie a frivolous FIR seems to have been registered by his mother against the wife and the statements made by the petitioner before this Court that he is ready to get matrimonial dispute sorted out also does not seem to be bona fide as his mother has filed an FIR against his wife.

In view thereof, the present petition is found to be wholly frivolous and the same is accordingly dismissed. It is made clear that the concerned Judicial Magistrate 1st Class, Amritsar shall take immediate steps for getting compliance of the Court's order and if required non bailable

warrants may be issued against the petitioner for getting the compliance of the aforesaid orders.

The present petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

30.05.2023
Raman

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No