

CRM-M-3937-2024
Date of decision: 08.04.2024

RAKESH SOOD ALIAS RAKESH KUMAR SOOD
...PETITIONER
V/S

MEENU AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for setting aside the *ex parte* order dated 16.01.2020 arising out of Comp. No.MNT/6/2018 dated 07.06.2011 (CNR No.PBROB1-000011 of 2018) filed by the respondent. Further, prayer is for impugning the order dated 18.11.2023 passed in Criminal Revision No.117/2023, which was dismissed by the Court of learned Additional Sessions Judge, Rupnagar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been proceeded against *ex parte* and grave prejudice has been caused to him, as the impugned order has been passed without affecting the service of the petitioner. It is further contended that pursuant to a compromise dated 26.11.2014, an amount of Rs.8,00,000/- has been admittedly paid by the petitioner and for the remaining amount settled in terms of the compromise, a plot was purchased by the petitioner in the name of respondent-wife, which has been sold by her for an amount of Rs.25,00,000/-, vide an agreement dated 04.08.2017 (Annexure P-10) and the amount has been credited in her account.

As such, all these factors are required to be considered by the learned Family

Court before passing any order under the provision of Section 125 Cr.P.C. and the respondent has not only re-married on 22.07.2023 but also in terms of the compromise with the petitioner, she has taken a permanent alimony towards the future claim for herself and her two sons and one of the son has already attained majority.

3. The office report indicates that the respondents have been duly served, however, there is no representation on behalf of the respondents.

4. In view of the facts and circumstance of the case and specific arguments raised by the petitioner with regard to compromise as well as the re-marriage of the respondent, both the impugned orders dated 16.01.2020 as well as 18.11.2023 passed by learned Sub Divisional Judicial Magistrate, Nangal and learned Additional Sessions Judge, Rupnagar respectively are hereby set aside. The matter is remanded back to learned Sub Divisional Judicial Magistrate, Nangal, to decide the case afresh, by taking into consideration all the grounds raised in the present petition i.e. the factum of compromise, the re-marriage of respondent No.2 and receipt of full and final money as well as the transfer of plot and pass an appropriate order strictly in accordance with the law.

April 08, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No