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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29152-2014 (O & M)
Date of decision: 10.09.2024

Gurdip Singh

..... Petitioner(s)

V/s

Kuljit Kaur

...Respondent(s)

CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Rangi, Advocate,
for the petitioner.

Mr. Jai Bhagwan, Advocate,
for the respondent.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 21.04.2014 (Annexure P-4) passed by the Additional Sessions Judge, Chandigarh whereby the revision petition against the order dated 12.05.2012 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Chandigarh has been allowed.

2. The brief facts of the case are that the petitioner got married to



::2::

certain disputes arose between the parties necessitating the filing of a petition under Section 125 Cr.P.C. seeking maintenance by the respondent-wife. The said petition came to be dismissed vide a judgment dated 12.05.2012 passed by the Court of the Judicial Magistrate Ist Class, Chandigarh. A copy of the said judgment is attached as Annexure P-2 to the present petition.

3. The respondent-wife preferred a revision petition against the aforementioned judgment and vide judgment dated 21.04.2014, the Court of the Additional Sessions Judge, Chandigarh, directed the payment of maintenance to the respondent-wife of an amount of Rs.25,000/- per month from the date of her application. A copy of the said judgment is attached as Annexure P-4 to the petition.

4. It is the aforementioned judgment which is under challenge in the present petition.

5. The learned counsel for the petitioner-husband contends that the impugned judgment was based on conjectures and surmises without proper appreciation of evidence on record regarding the respective incomes of both the parties. In fact, the wife was in a position to maintain herself as she had agricultural land which she could cultivate. He, therefore, contends that the impugned order was liable to be quashed.

6. The learned counsel for the respondent-wife, on the other hand, contends that as the petitioner had refused to honour the terms of the order dated 21.04.2014 (Annexure P-4). Conditional warrants had been issued



::3::

against him on 30.11.2015 and at that time, a sum of Rs.34,76,500/- was due to the respondent-wife from her husband (petitioner). The respondent-wife had also preferred an execution petition but the petitioner-husband chose not to appear before the Court concerned and was declared a proclaimed offender on 30.09.2019. As on date, he was liable to pay a sum of Rs.56,01,500/-. As the petitioner was a proclaimed offender, he could not agitate his case on merits. Reliance is placed on the judgment of this Court in '**Sh. Ramesh Kumar versus M/s Abhay Highway (CRM-M-53210-2023 decided on 28.08.2024)**'.

7. We have heard the learned counsel for the parties.

8. Admittedly, the petitioner was declared a proclaimed offender on 30.09.2019. A sum of Rs.56,01,500/- is due from the petitioner to the respondent in terms of the order dated 21.04.2014 (Annexure P-4).

9. This Court in the case of '**Sh. Ramesh Kumar versus M/s Abhay Highway (CRM-M-53210-2023 decided on 28.08.2024)**', has held as under:-

8. A perusal of the complaint and summoning order would show that *prima facie*, the offence is made out. The various grounds raised by the petitioner would be a matter of Trial and cannot be adjudicated upon in a petition under Section 482 Cr.P.C. Further, as the petitioner is absconding and has till date, not put in appearance before the Trial Court, a petition for quashing of the complaint and summoning order at the instance of absconding accused is certainly not maintainable. Reference is made to the judgment of the Hon'ble Supreme



::4::

Court in the case of Srikant Upadhyay & others Versus State of Bihar & another, SLP (Crl.) No.7940 of 2023 wherein, it has been stated that an absconding accused cannot be granted the concession of anticipatory bail. A similar view has been expressed by the Hon'ble Supreme Court in the case of Virender Prasad Singh Versus Rajesh Bhardwaj. (2010) 9 SCC 171 and various High Courts in the cases of Sarabjit Singh Versus State of Punjab, 2021(4) R.C.R. (Criminal) 87, Sunil Raj Versus Gopan & another, 2020(4) KLT 313 and Lalitkishore Omprakash Arva Versus State of Gujarat & another, 2005(10) R.C.R. (Criminal) 799.

9. *In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.*
10. *All the pending miscellaneous applications, if any, shall stand disposed of.*

10. In view of the aforementioned discussion, as the petitioner is absconding having been declared a proclaimed offender and a sum of Rs.56,01,500/- is due to be paid by him, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

(SUDHIR SINGH)
JUDGE

September 10, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No