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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17655-2024 (O&M)
Date of decision: 09.04.2024

Kamaldeep Singh Chugh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amar Ashok Pathak, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 12.01.2024 (Annexure P-22) passed by the learned Family Court, Ferozepur in CRM No.278 of 2021 dated 04.04.2019 (Criminal Case No.125-3 of 2008 dated 20.11.2008).
2. Learned counsel for the petitioner, *inter alia*, contends that marriage of the petitioner with respondent No.6 Ramanjeet Kaur was held in a simple manner, according to Sikh rites and rituals on 06.05.1990 at Ludhiana and both of them cohabited together as husband and wife at Mumbai and out of this wedlock, two children were born. In the year 2005, respondent No.6 left company of the petitioner and on 10.01.2009, he filed a

petition for divorce under Section 13 of the Hindu Marriage Act. In the meantime, an application for maintenance under Section 125 Cr.P.C. was filed by respondent No.6 and vide order dated 10.04.2014, maintenance of Rs.30,000/- per month was awarded in favour of respondent No.6 from the date of application i.e. 20.11.2008. For the purpose of execution of the aforementioned order granting maintenance, several execution applications were filed before the learned Family Court, Ferozepur. It is further contended that respondent No.6 in connivance with respondent No.5, who is Station House Officer (Senior Police Inspector), Police Station D.N. Nagar, Four Bungalows, Andheri West, Mumbai, hatched a conspiracy, by allegedly projecting to have conditional warrants of arrest of the petitioner. Respondent No.5 started raiding house of the petitioner at Mumbai. After apprehending arrest, the petitioner approached the concerned Court by filing an application under Section 438 Cr.P.C., in which written response was filed by respondent No.5 and it was submitted that on 21.06.2021, he has received the conditional arrest warrants of the petitioner for non-payment of maintenance and next date was fixed for 12.07.2021. The petitioner, in this regard, made fervent inquiries from the learned Family Court about issuance of conditional warrants of arrest, however, he came to know that no conditional warrants of arrest were issued for 12.07.2021, as relied upon by Police Station D.N. Nagar, Mumbai. On the face of it, alleged conspiracy by respondent No.5, at the instance of respondent No.6, is clearly established. It is also contended that since no conditional warrants of arrest were issued by learned Principal Judge, Family Court, Ferozepur for 12.07.2021, forgery

has been committed by respondent No.6. In this regard, the petitioner filed an application under Right to Information Act and ultimately, he filed application before the concerned executing Court at Ferozepur for directing the police to register an FIR under Sections 420, 465, 467, 468, 471 of IPC read with Section 120-B of IPC on the allegations that respondent No.6 in connivance with respondent No.5 has fabricated the warrants of arrest of the petitioner. In the meantime, the petitioner approached this Court by filing CWP-27882-2023 and on 12.12.2023, the same was withdrawn by the petitioner so as to pursue his remedies, in accordance with law. Thereafter, the learned executing Court, Ferozepur, vide detailed order dated 12.01.2024, dismissed the application filed by the petitioner for registration of FIR. The petitioner once again approached this Court by filing CWP-5967-2024, in which, on 14.03.2024, following order was passed: -

“Prayer made in the present writ petition is for seeking issuance of directions to the respondents to register a case at Police Station City, Ferozepur.

On being confronted with the fact that the petitioner would have his remedy to assail the order passed by the Principal Judge, Family Court, Ferozepur, learned counsel for the petitioner does not press the instant petition, at this stage with liberty to pursue his remedies in a manner known to law.

Disposed of as not pressed at this stage with liberties as aforesaid.”

3. Learned State counsel appears on advance notice and submits

that the petitioner is a chronic defaulter and he is in the arrears of maintenance of more than Rs.40.00 lacs. It is further submitted that it is undisputed fact that learned Chief Judicial Magistrate, Ferozepur, exercising his powers as Family Court, issued conditional warrants of recovery of maintenance number of times and also on 25.03.2021, 01.04.2021 and 20.09.2021, conditional warrants were ordered to be issued on failure to make the payment of arrears of maintenance.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, the matter is taken up for final disposal today itself.

5. A perusal of the record indicates that the petitioner is filing repeated applications and not paying the arrears towards maintenance and even perusal of impugned order dated 12.01.2024 (Annexure P-22) indicates that on several occasions, conditional warrants of arrest were issued against the petitioner and he filed similar application on 02.08.2021, which was decided vide order dated 20.12.2021 and once again, conditional warrants of arrest of the petitioner were issued. Thereafter, on 02.12.2022, the petitioner filed an application for withdrawal of the conditional warrants and gave undertaking that he will deposit Rs.1.00 lac on 13.12.2022, failing which he will surrender himself, in compliance of the order issuing conditional warrants. On 03.03.2023, the petitioner did not make the payment as per his own undertaking, therefore, the concerned Court was left with no other option except to issue conditional warrants of arrest for recovery of arrears of maintenance.

6. Moreover, perusal of Annexure P-14 reveals that entire case of the petitioner hinges upon written response filed by the Senior Police Inspector, Police Station D.N. Nagar, Mumbai to the application under Section 438 Cr.P.C. seeking anticipatory bail, in which it has been mentioned that conditional warrants of arrest were issued and according to the petitioner, the same were forged and in fact, the concerned Court had not issued any such conditional warrants of arrest. Perusal of the same further indicates that it was only submitted that conditional warrants of arrest were issued for non-payment of arrears of maintenance and these warrants were received by the police station on 21.06.2021 and next date of hearing in this case was fixed for 12.07.2021. There is nothing on record, which would remotely suggest that any forgery has been committed in relation to issuance of conditional warrants against the petitioner. As such, it is clearly established that the conditional warrants of arrest received by the police authorities of Police Station D.N. Nagar, Mumbai on 21.06.2021 have already been issued by the Court of competent jurisdiction at Ferozepur and no forgery has been committed by respondent No.5. Further, the petitioner has not been able to produce any material, which would substantiate his contention that some conditional warrants were not in existence on the relevant date and these have been forged by respondent No.6 in connivance with respondent No.5. Earlier also, the petitioner filed CWP-5967-2024 by making similar request for issuance of direction to the official respondents to register an FIR at Police Station City Ferozepur and this Court, on 14.03.2024, disposed of aforementioned writ petition filed by the petitioner,

as not pressed at that stage with liberty to challenge the order passed by learned Principal Judge, Family Court, Ferozepur.

7. In view of the facts and circumstances of the case, this Court is not inclined to interfere in the proceedings of the learned Family Court, Ferozepur. Accordingly, the present petition is dismissed being bereft of any merit.

09.04.2024
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[HARPREET SINGH BRAR]
JUDGE

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