

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51292-2023 (O&M)
Date of Decision: 18.01.2024

KARAM CHAND AND ANOTHER

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashwani Nagra, Advocate,
for the petitioners.

HARPREET KAUR JEEWAN J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 27.07.2023 (Annexure P-6) passed by the learned Additional Sessions Judge, Ambala, during the pendency of an appeal preferred by the petitioners whereby the petitioners had challenged the order dated 01.04.2023 (Annexure P-4), passed by the learned Judicial Magistrate Ist Class, Ambala, for grant of interim maintenance to respondent No. 2 in a complaint filed under Sections 12 read with Sections 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act').

2. Counsel for the petitioners *inter alia* contends that the Additional Sessions Judge has directed the petitioners to deposit the arrears of maintenance and adjourned the appeal for 23.01.2024 and further directed that the appeal would be heard on merits only if the arrears are paid.

3. I have heard learned counsel for the petitioners and have gone through the paper-book carefully.

4. The relevant portion of the order dated 27.07.2023 (Annexure P-6) passed by the learned Additional Sessions Judge, Ambala, reads as under:-

XXXX XXXX XXXX XXXX

“It is also pertinent to mention here that whether directions are made to deposit the maintenance or the maintenance directed to be payable under a final judgment, would have the same adverse impact upon the receiver wife or the husband as the case may be, in case, the one ordered to pay does not pay within stipulated time.

To come up on 23.01.2024 for payment of upto date maintenance and only then to hear the arguments on merits. However, if today’s order regarding payment not complied with, without any sufficient cause, this Court shall treat this appeal as not maintainable.”

5. Firstly, no ‘final order’ has been passed in the appeal under Section 29 of the DV Act and the appeal is still pending before the Additional Sessions Judge, as such, the present petition is pre-mature and secondly, no order which is criminal in nature has been passed by the Additional Sessions Judge as such in pursuance to the order passed by this Bench in **CRM-M-58023-2023**, titled **Gautam Singal vs. Anju Singal**, decided on 30.11.2023. The present petition under Section 482 Cr.P.C. is not maintainable.

6. Consequently, the present petition stands dismissed being pre-mature and not maintainable under Section 482 Cr.P.C.
7. However, the petitioners may avail alternate remedy or may challenge the final order as per law, if any adverse order is passed against them by the learned Additional Sessions Judge in the appeal which is still pending under Section 29 of the DV Act.
8. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 18, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No