

Sr. No.119

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

**CRM-M-54817-2022
Date of decision: 29th January, 2024**

ROOHI BABBAR**Petitioner**

versus

STATE OF PUNJAB AND ANR**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashish Kumar, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) is for issuance of direction to the trial Court to decide the application of Contempt of Court bearing Nos.CRM-1292-2021 and CRM-1543-2021, pending before learned Judicial Magistrate First Class, Jalandhar.
2. Learned counsel for the petitioner contends that there was a matrimonial dispute between the petitioner-wife and respondent No.2-husband, which led to filing of a complaint by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 Act.
3. Reply to the said complaint has been filed by respondent No.2-husband. The Judicial Magistrate First Class, Jalandhar, passed the order dated 23.12.2020 (Annexure P-1), whereby the petitioner was directed to meet her child at Mediation Centre situated in Courts Complex, Jalandhar on every Friday and Tuesday in a week. However, the respondent No.2-husband has not adhered to the

said order, as such, the petitioner-wife moved two applications of contempt of Court bearing Nos. CRM-1292-2021 dated 30.04.2021 (Annexure P-2) and CRM-1543-2021 dated 31.05.2021 (Annexure P-3).

4. Response to the said applications, was filed by respondent No.2-husband by way of filing the reply dated 02.06.2021 and 06.05.2022 (Annexures P-4 and P-5). Despite that, respondent No.2 has not been bringing the child to the ADR Centre, Jalandhar for meeting on several occasions. The petitioner is an unemployed lady and she has no source of income. She has been travelling to a distance of 150 kms. to meet her child but respondent No.2-husband is intentionally and willfully not bringing the child to the ADR Centre, Jalandhar for harassing the petitioner-wife. The trial Court has not taken any action on the contempt petitions (Annexures P-2 and P-3).

5. Keeping in view the innocuous prayer made in the petition, issuance of notice to respondent No.2 is dispensed with.

6. The order was passed more than a year ago on 23.12.2022 whereby the applicant was allowed to meet her child in the Mediation Centre, Jalandhar on every Friday and Tuesday. There is nothing on record to show that the said directions have been recalled by the Judicial Magistrate First Class, Jalandhar. The petitioner-wife is seeking an action against respondent No.2-husband for intentional and willful disobedience of the said order. It is a matter of fact that the child of the petitioner is minor. A minor child has emotional and physical needs to meet both the parents and the same is very essential for proper upbringing of the child, as such, the Judicial Magistrate First Class, Jalandhar has rightly granted visitation rights to the petitioner by arranging the meeting of the child and his mother in the Mediation Centre. The petitioner is unable to meet her child since no action is

being taken by the learned Judicial Magistrate First Class, Jalandhar on the said applications.

7. In view of the aforesaid circumstances, the trial Court is directed to decide the applications bearing Nos.CRM-1292-2021 dated 30.04.2021 (Annexure P-2) and CRM-1543-2021 dated 31.05.2021 (Annexure P-3) within a period of 02 months from today upon receipt of the copy of the present order.
8. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29th January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No