



CR-6331-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6331-2024

Date of decision : 29.10.2024

Hemant Passi and others

... Petitioners

Versus

Upasana Passi

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kuldip Sanwal, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for quashing the judgment/order dated 12.10.2021 passed by the Additional Sessions Judge, Jalandhar, in an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 against an order dated 19.01.2021 passed by the Judicial Magistrate Ist Class, Jalandhar.

2. Learned counsel for the petitioners has submitted that the petitioners had filed CRM-M-48510-2021, which was withdrawn vide order dated 28.08.2024 with liberty to take recourse to the appropriate remedy, in accordance with law. It is submitted that as per the judgment dated 25.10.2024 of the Division Bench of this Court passed in ***CR no.3407 of 2024*** titled as ***“Hemant Bhagat and others vs. Prekshi Sood Bhagat and***



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other connected matters”, the petition under Section 482 Cr.P.C. has been held to be maintainable. It is submitted that in view of the bar under the Cr.P.C., the order dated 28.08.2024 passed in CRM-M-48510-2021 cannot be recalled and thus, the petitioners be permitted to withdraw the present petition with liberty to file a fresh petition under Section 482 Cr.P.C.

3. In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with the aforesaid liberty.

4. Learned counsel for the petitioners has submitted that vide order dated 06.09.2022 passed in CRM-30869-2022 in CRM-M-48510-2021, an interim order was passed in favour of the petitioners and the relevant portion of the said order is reproduced hereinbelow:-

“In these set of circumstances, the operation of the impugned judgment dated 12.10.2021 passed by the Court of learned Addl. Sessions Judge is stayed, subject to the condition that the petitioners shall pay to the respondent or deposit in the trial Court a sum of Rs. 1 Lakh to be further paid to the respondent on or before 23.09.2022 and thereafter, continue to pay to the respondent or deposit a sum of Rs. 25,000/- per month in the trial Court to be paid to the respondent.

Adjourned to 14.10.2022.”

5. It is submitted that the said interim order continued till 28.04.2024 and the Coordinate Bench of this Court even while granting liberty to seek appropriate remedy, had stated that the said order would continue for a period of 4 weeks from 28.08.2024. The relevant portion of the said order is reproduced hereinbelow:-

“Vide order dated 06.09.2022 passed in CRM-M-48510-2021, a Coordinate Bench of this Court had stayed the operation of impugned judgment dated 12.10.2021 passed by learned Additional Sessions Judge, Jalandhar with certain conditions. The said order shall subsist for the next four weeks from today.

In view of the above, both the learned counsel for the petitioners submit that they may be permitted to withdraw the present petitions with liberty to take recourse to the appropriate remedy, in accordance with law within a period of four weeks from today.

Dismissed as withdrawn, with the liberty aforesaid.

Pending application(s), if any, stand(s) disposed of.”

6.

It is submitted that in the said circumstances, the interim order dated 06.09.2022 be continued for a period of 4 weeks from today.
7.

In view of the above said facts and circumstances, the interim order dated 06.09.2022 would continue for a period of 4 weeks from today.
8.

It is made clear that grant of present interim order should not be construed as an expression on the merits of the case and the fresh petition would be considered independently in accordance with law.

(VIKAS BAHL)

JUDGE

October 29, 2024.

Davinder Kumar

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