



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 10.01.2024

+ **CRL. M.C. 7469/2023 & CRL.M.As. 27834-27835/2023,**
29764/2023

IN THE MATTER OF:

JASPREET SINGH Petitioner

Through: Petitioner in person.

Versus

GOVT. OF NCT OF DELHI Respondent

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of present petition filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C, petitioner seeks setting aside of the judgement/order dated 08.04.2022 passed in CA No.66/2021 titled 'Jaspreet Singh v. Smt. Swaneet Kaur' passed by the learned ASJ-05, South East District, Saket Courts, New Delhi.

2. Before proceeding further, the brief facts leading to passing of the impugned order are that the petitioner and one Ms. Swaneet Kaur (hereinafter, referred to as '*the wife*') got married to each other on 12.12.2010 and out of their wedlock, a girl child was born on 17.02.2014. Subsequently, on account of certain matrimonial differences, the wife instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter, referred to as '*PWDV Act*'). Vide order dated 21.02.2018, the trial court directed the petitioner to pay interim maintenance @Rs.45,000/- per month, in addition to the educational



expenses of the girl child. In a challenge to the said order, the learned ASJ vide order dated 06.03.2021, enhanced the above-mentioned amount of interim maintenance to Rs.1,25,000/- per month. Both the petitioner as well as his wife assailed the order passed by the learned ASJ by way of Crl.Rev.P. 162/2021 and Crl.Rev.P. 194/2021. While the former petition was filed by the petitioner challenging the enhancement, the latter petition was filed by the wife seeking further enhancement. Both the petitions came to be dismissed vide common judgment dated 28.02.2022. A subsequent application for recall of the said judgement dated 28.02.2022 by the petitioner also came to be dismissed by this Court on 01.09.2022. The challenge was subsequent taken to the Supreme Court vide SLP(Crl.) 10281/2023. The said challenge was dismissed with directions that the proceedings in the complaint case pending before the Mahila Court be expedited and decided preferably within a period of six months. The record also reveals that the wife also filed a contempt petition being Cont. Cas(C) No. 519/2021 wherein vide order dated 06.08.2021, the Court issued notice to show cause to the present petitioner as to why no action be taken on account of non-compliance of the aforesaid order dated 06.03.2021 passed by the learned ASJ.

3. In between, the wife also filed execution application seeking direction to the petitioner for payment of the interim maintenance. An urgent application was filed in the month of May, 2021 by the wife, notice of which was issued to the petitioner through email and WhatsApp. A fresh notice was issued on 08.06.2021, again through WhatsApp and email. Again, another notice was issued to the petitioner. Consequently, on 17.06.2021, the Trial Court noted that notice had been served upon the petitioner and



consequently, warrants of attachment were issued against him. The petitioner filed an application seeking recall of the said order, which came to be dismissed on 16.07.2021. This order of 16.07.2021 came to be challenged before the Sessions Court primarily on the ground that the principles of natural justice were violated insofar as the petitioner did not have the proper opportunity to appear and file objections. The challenge came to be dismissed by way of the impugned judgement/order. Further, the Sessions Court was constrained to note that the petitioner in complete disregard of the various court directions, had left no stone unturned to avoid paying interim maintenance to his wife and minor girl child. A perusal of the order dated 17.06.2021 shows that the Trial Court had recorded its satisfaction on the aspect of service. The petitioner was reportedly served not only through WhatsApp but also through post, in which regard a tracking report was also placed on record. The Trial Court passed the order as the petitioner had failed to appear despite service. Even the Sessions Court while dismissing the petitioner's challenge, satisfied itself on the aspect of service on the petitioner in the urgent execution application.

4. During the course of submissions, the petitioner has stated that warrants of attachment stand executed. After going through the material placed on record, this Court finds no ground to interfere with the impugned order.

5. Accordingly, the petition alongwith pending applications is dismissed.

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 10 , 2024/rd