



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50235 of 2025(O&M)

Date of Order:08.09.2025

Hari Om @ Garib Dass

.Petitioner

Versus

Smt. Ruchi Goswami and others

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. V.D.Rathee, Advocate
for the petitioner.

SHALINI SINGH NAGPAL, JUDGE

1. Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed for quashing order dated 01.12.2017 of learned District Judge, Family Court-I, Faridabad, order dated 02.08.2025 of learned Principal Judge, Family Court, Faridabad and all subsequent proceedings arising therefrom on the basis of settlement dated 15.05.2017/24.07.2025.

2. Learned counsel for the petitioner has argued that the award of maintenance allowance of Rs.1200/- per month to respondent no.1 and Rs.1000/- per month each to respondents no.2 to 4 by learned District Judge, Family Court-I, Faridabad, was not warranted in view of the compromise/settlement executed between the parties. In that settlement, respondent no.1 had agreed that she would not file any kind of case nor seek maintenance from the petitioner-husband and would remain bound by the memorandum of understanding. It was argued that the agreement/settlement was produced before the Executing Court of learned Principal Judge, Family Court, Faridabad, which illegally discarded the document and afforded last



opportunity to petitioner to make payment of the maintenance allowance. It has been prayed that order dated 01.12.2017 of learned District Judge, Family Court-I, Faridabad and order dated 02.08.2025 of learned Principal Judge, Family Court, Faridabad, be set aside.

3. The petition under Section 125 Cr.P.C. was filed by respondent-wife and three minor children against the petitioner-husband. In those proceedings, petitioner-husband chose to remain ex-parte. Ex-parte evidence was led and final order was passed. A sum of Rs.1200/- per month was awarded to the respondent-wife and Rs.1000/- per month each to the minor children. That order was not challenged for more than seven years before any court. The respondent-wife filed an execution application, wherein the petitioner-husband produced the memorandum of settlement, said to be executed between the parties.

4. Learned Principal Judge, Family Court, Faridabad, after going through the memorandum of settlement observed that the document was purportedly executed on 17.05.2017 and was got notarized on 24.07.2005; that therein, it was not mentioned that Judgment Debtor had given moveable property, land or plot to the decree holder and the memorandum of settlement was extremely vague in nature. The memorandum of settlement was discarded observing that the respondent never produced the document in the court which decided the petition under Section 125 Cr.P.C. though he had knowledge of pendency of the petition. The objections filed by the petitioner-husband were dismissed.

5. Sound reasons have been recorded by learned Principal Judge, Family Court, Faridabad, while discarding the memorandum of settlement,



which was a document disputed by the respondent-wife before the Executing Court. Neither the memorandum of settlement was produced before the Court of learned District Judge, Family Court, Faridabad at the time of hearing of the application under Section 125 Cr.P.C. nor the said document can purport to debar the wife and the minor children from seeking maintenance allowance from the petitioner-husband. There is no good ground to interfere with the order dated 01.12.2017 of learned District Judge, Family Court-I, Faridabad and order dated 02.08.2025 of learned Principal Judge, Family Court, Faridabad, which do not suffer from any patent illegality or perversity.

6. The revision petition, is accordingly, dismissed.
7. All the pending miscellaneous applications, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

08.09.2025

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