



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

112

CRR(F)-45-2025(O&M)

Date of Decision: 30.01.2025

Mohit Rana

...Petitioner(s)

Versus

Kamna Raghav and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gaurav Arora, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)**CRM-984-2025**

01. This application under Section 5 of the Limitation Act, 1963 has been filed for condonation of delay of 394 days in filing the present revision petition.

02. In view of the averments made in the application, the application is allowed. The delay of 394 days in filing the present revision petition is condoned.

CRR(F)-45-2025(O&M)

03. The present petition has been preferred against order dated 14.09.2023 passed by learned Additional Principal Judge, Family Court, Gurugram, whereby conditional warrant against the petitioner has been issued.

04. The brief facts of the case are that the marriage between the petitioner and the respondent No.1 was solemnised on 10.03.2019 and out of the said wedlock one child was born on 29.12.2019. A matrimonial dispute ensued between the couple and the respondents filed a petition under Section



125 Cr.P.C. for seeking maintenance. Learned Family Court passed ex parte order dated 10.01.2023 awarding interim maintenance of Rs.8,000/- per month each to the respondents. Aggrieved by the same, the petitioner had approached this Court by filing the petition bearing CRR(F)-1455-2024 and vide order dated 18.11.2024 passed by the Co-ordinate Bench of this Court, the order dated 10.01.2023 granting interim maintenance was set aside and the case was remanded back to the learned Family Court to pass a fresh order after considering the affidavit declaring assets, income and liabilities of the petitioner.

05. Learned counsel for the petitioner *inter alia* contends that the learned Additional Principal Judge, Family Court, Gurugram vide order dated 14.09.2023 had issued conditional warrants against the petitioner for recovery of the arrears accrued. Subsequently, the petitioner approached this Court challenging the order granting the interim maintenance and the same was set aside vide order dated 18.11.2024 (Annexure P-1) and the case was remanded back to decide afresh after considering the affidavit of the petitioner declaring assets, income and liabilities of the petitioner as mandated by the Hon'ble Supreme Court in ***Rajnish vs. Neha and another, (2021) 2 SCC 324***, however, learned Family Court without affording opportunity to the petitioner for hearing again issued conditional warrants of arrest dated 20.08.2024 and same has been issued in blatant violation of order dated 18.11.2024 of this Court. The conditional warrants are illegal and hence are liable to be set aside.

06. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The present petition is decided *in limine* in order to save litigation cost of the respondents and also to save the judicial time of the Court.



7. It would be apposite here to highlight that the legislative intent behind the enactment of Section 125 Cr.P.C. was to further social justice and to ensure speedy assistance to dependents. A three-Judge Bench of the Hon'ble Supreme Court in *Vimala (K.) v. Veeraswamy (K.)* (1991) 2 SCC 375, speaking through Justice Fatima Beevi, opined that as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

08. Reverting to the case at hand, a perusal of the judicial file reveals that though the ex parte order of interim maintenance dated 10.01.2023 was set aside by this Court in CRR(F)-1455-2024 and remanded back for fresh adjudication, however, in the interregnum interim maintenance in terms of the impugned order were directed to remain continued. The respondents had preferred the petition under Section 125 Cr.P.C. in the year 2020, petitioner has been evading the proceedings since then and showed up only when execution proceedings were initiated against him. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court.

09. Accordingly, the present petition is dismissed being bereft of any merit.

10. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(KIRTI SINGH)
JUDGE

30.01.2025
Kapil

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No