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

CRM-M-31576-2023 (O&M)

Reserved on 15.09.2025

Pronounced on 19.09.2025

JEET SINGH**...Petitioner****V/S****SATWANT KAUR @ SHARWAN KAUR****...Respondent****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Munish Kamboj, Advocate
for the respondent.

SHALINI SINGH NAGPAL J.

1. Prayer in this petition under Section 482 of Cr.P.C. is for quashing order dated 12.5.2023 of learned Chief Judicial Magistrate, Fatehabad vide which objections filed by the petitioner-husband have been dismissed and conditional warrants of arrest have been issued.

2. A few facts may first be noticed.

3. Respondent-wife filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to the Act) against the husband. Vide order dated 21.1.2008, the application for interim maintenance was allowed and the husband was directed to pay a sum of Rs.3,000/- to the wife from the date of passing of the order. Later on, the petition under Section 12 of the Act was dismissed as withdrawn on statement of the wife. The wife again filed an application under Section 12, 14, 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 wherein following order was passed by then

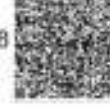


Chief Judicial Magistrate, Fatehabad:-

“At the time of hearing the parties through their respective counsel on the point of interim maintenance allowance, this Court reach a conclusion to decide the application finally. It is submitted by learned counsel for the respondent no.1 that vide order dt. 22.01.2008, passed by the then learned Additional Chief Judicial Magistrate. Fatehabad, an interim maintenance allowance to the tune of Rs: 3,000/- was granted in favour of the applicant, as well as her daughter, applicants in that application no. 201-11/25.10.2007. At present, the daughter has been married. However, the price-index has considerably increased. So, it is deemed fit that now the said amount of Rs. 3,000/- per month be granted as interim maintenance allowance for the applicant, to be paid by the respondent no.1.

It is admitted by the respondent no.1 himself that he is desirous of carrying the applicant with him. Learned counsel for the respondent no.1 has assured the Court that the respondent no.1 shall keep the applicant with honour, respect and fair amenities. As such, the allegation of applicant that the respondent no.1 is keeping some other lady as second wife has been neutralized. Despite that, in order to safeguard the interest of applicant, it is ordered that the respondent shall provide a proper accommodation to the applicant, in his house and shall not keep any mistress or other lady in the house.

It is also ordered that the respondent no.1 shall not commit any act of physical cruelty or violence against the



applicant.

However, the application is dismissed qua the other respondents.

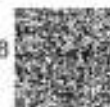
Nothing further deserves to be effected. Hence, the application in hand is disposed of. A copy of this order be sent to DSP (HQ), Sirsa, to be sent to the concerned SHO, for proper compliance. File be consigned to record room."

4. The wife filed an execution application for recovery of maintenance allowance wherein the husband filed objections. The objection petition was allowed by the Executing Court on 17.08.2018 observing that there was no specific order for grant of final maintenance allowance.

5. Another execution application was filed by the wife for the subsequent period, claiming Rs.3,000/- from 05.04.2016 to 05.04.2018. Objections were again filed by the husband and were decided vide impugned order dated 12.05.2023. Learned Chief Judicial Magistrate, Fatehabad observed that the order dated 29.01.2015 was not an order for interim maintenance but a final order and the husband was bound to pay maintenance of Rs.3,000/- per month to the wife for the period of 06.04.2016 to 05.04.2018 i.e. Rs.72,000/-. The dismissal of the previous execution application was ignored for the reason that the execution application was for a different period.

6. The only argument of learned counsel for the petitioner-husband is that order dated 29.01.2015 could not be treated as final order and the second objection petition filed by the husband could not have been dismissed, when the first objection petition was allowed.

7. Learned counsel for the respondent/wife, on the other hand, contends that the first execution application was for a different period.



Therefore, the dismissal of the objections filed in the petition was not relevant and the observation of learned Chief Judicial Magistrate, Fatehabad that order dated 29.01.2015 was final was factually correct. It was further argued that order dated 29.01.2015 was never challenged by the husband in any proceedings and had attained finality. Learned counsel also submitted that the respondent-wife was suffering as petitioner-husband was not paying her maintenance and he also failed to appear before the Mediation and Conciliation Centre, despite a specific order in this regard.

8. The first issue which arises for consideration is whether order dated 29.01.2015 is interim order or final order.

9. The very opening line of the order shows that though the parties were being heard on the point of interim maintenance allowance, the Court decided to determine the application finally. The application was determined and the file was consigned to the records. The essence of the order, undoubtedly is that the Court decided the prayer for maintenance finally. By no stretch of imagination, it can be held that order dated 29.01.2015 sought to be executed by the wife was an interim order. The observation of learned Chief Judicial Magistrate, Fatehabad in the impugned order that the Court had decided the prayer for maintenance finally cannot be faulted.

10. There is another material aspect of the case. Concededly, order dated 29.01.2015 awarding maintenance of Rs.3,000/- per month has not been challenged before any superior Court. It has thus attained finality.

11. Even though, the objection petition filed by the husband in the previous execution application was allowed, the subsequent execution application was for a different period i.e. 06.04.2016 to 05.04.2018. The maintenance awarded to the wife is a petty sum of Rs.3,000/- barely sufficient to keep body and soul together. Dismissal of the execution



application and denial of maintenance would indeed be travesty of justice and would result in irreparable suffering to the destitute wife. Inherent powers of the Court under Section 482 Cr.P.C. (now Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023) cannot be exercised to set aside order dated 12.05.2023, as such a course would not serve the ends of justice.

12. The petition is accordingly, dismissed.
13. Pending applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

19.09.2025

Sumit Singla

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No