

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-28221 of 2015 (O&M)
Date of Decision: August 24, 2015

Neeraj

...Petitioner

VERSUS

Smt.Kamlesh Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Sangwan, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 20.10.2014 passed by learned JMIC, Mahendergarh and order dated 28.05.2015 passed by learned Addl. Sessions Judge, Narnaul.

As per the impugned order dated 20.10.2014 in the application under Section 125 Cr.P.C., learned JMIC, Mahendergarh granted ₹1000/- interim maintenance to Smt.Kamlesh Devi. A revision was filed against the above-said order and the same was dismissed by learned Addl. Sessions Judge, Narnaul vide order dated 28.05.2015.

Aggrieved from the above-said orders, present petition has been filed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that in the quashing petition, the

petitioner is to show that orders passed by the Courts below amount to miscarriage of justice or is an abuse of process of law. The perusal of the record shows that orders passed by the Courts below are correct and as per law. The only argument of learned counsel for the petitioner is that at the time of marriage, both the parties were minor and aged about 8 years. Learned JMJC, Mahendergarh, while granting the interim maintenance has discussed this fact and has stated that marriage between the parties is admitted fact and it is matter of evidence as to whether the marriage between the parties is valid one or not. The present petitioner has become major as his date of birth is 19.04.1993 and he is able bodied person. He cannot deny his responsibility towards respondent and taking his income as ₹3000/- per month as of labour, only ₹1000/- as interim maintenance has been granted.

In view of the above discussion, I find that the orders passed by the Courts below are correct and do not require any interference from this Court. The petitioner has already availed the remedy of revision, which has already been dismissed. In no way, the orders passed by the Courts below, can be held as illegal or against the law. No ground is made out to quash the order granting the interim maintenance.

Therefore, finding no merit in the present petition, the same is dismissed.

August 24, 2015
Vgulati

(INDERJIT SINGH)
JUDGE