

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

Criminal Misc.No.M-29528 of 2015

Date of Decision: September 02, 2015

Basant Kumar Sood

...Petitioner

Versus

Nishchint Sood & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Manoj Kumar, Advocate,
for the petitioner.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for setting aside the order dated 08.06.2015 passed by learned Judicial Magistrate Ist Class, Panipat, whereby monthly interim maintenance of ₹2,500/- (Rupees two thousand and five hundred only) was granted to Nishchint Sood (wife) and ₹1,000/- (Rupees one thousand only) each to Keshav Sood and Onik Sood (minor children) of petitioner Basant Kumar.

Learned counsel contends that the petitioner is not doing any job and suffering from several ailments and as such, the order passed by learned trial Court, granting interim maintenance to the respondents, is absolutely wrong.

I have heard learned counsel for the petitioner and

with his able assistance gone through the material available on record.

As per the averments of the wife and the children, the marriage of Basant Kumar (petitioner) was solemnized with Nishchint Sood (wife) on 31.01.2005 at Panipat according to Hindu Rites and Ceremonies. Out of the said wedlock, two children were born. After few days of the marriage, Basant Kumar and his family members started harassing Nishchint Sood on account of demand of dowry and also gave her severe beatings. Nishchint Sood tolerated all the miseries with a hope that everything would be set right after few days but Basant Kumar and his family members did not mend their ways. They continued to maltreat and beat Nishchint Sood. Even during her pregnancy, Nishchint Sood was not only beaten up by her husband and his family members but was also kicked out from her matrimonial house so that she might deliver the child at the house of her parents. Ultimately, Nishchint Sood along with her minor children had to take shelter at the house of her parents. Since the wife and the minor children had no means to live, therefore, an application under Section 125, Cr.P.C, was presented before learned Area Judicial Magistrate claiming maintenance to the tune of ₹20,000/- (Rupees twenty thousand only) per month in addition to the litigation expenses of ₹11,000/- (Rupees eleven thousand only). It was alleged by the wife that Basant Kumar (petitioner) was running a shop at Parakit

Resort at Pipli and earning ₹35,000/-(Rupees thirty five thousand) only per month.

Learned trial Court while evaluating the material available on record granted ₹2,500/- (Rupees two thousand and five hundred only) per month to the wife and ₹1,000/- (Rupee one thousand only) per month each to the minor children as interim maintenance. The order passed by learned trial Court does not suffer from any infirmity. This Court is of the view that the interim maintenance awarded to the wife and the children is not excessive.

No ground for interference by this Court is made out.

Dismissed.

September 02, 2015
seema

(Naresh Kumar Sanghi)
Judge

