

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

**Criminal Misc. No. M-38562 of 2015
Date of Decision: 16.11.2015**

Boota Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Anupam Bhanot, Advocate
for the petitioner.

HARI PAL VERMA J.

Petitioner has filed the present petition for quashing of order dated 25.8.2015 (Annexure P-1) passed by learned Additional Sessions Judge, Tarn Taran, whereby the revision petition filed by respondent no.2-Nirmaldeep Kaur, wife of the petitioner, was allowed, granting interim maintenance @ Rs.3,000/- per month from the date of her application, besides awarding an amount of Rs.5,000/- as litigation expenses.

Briefly stated, the facts of the case are that the petitioner was married with respondent no.2 on 12.11.2010 and at the time of marriage, sufficient dowry articles were given by her parents.

However, after the marriage, the family members of the petitioner started taunting respondent no.2 on the ground that she has brought less dowry articles. The petitioner had a programme to go abroad, for which, the father of respondent no.2 arranged Rs.1 lac after mortgaging their land, but still, her in-laws did not stop from demanding the money and rather, demanded Bullet motorcycle. When parents of respondent no.2 failed to fulfill the demand of her in-laws, they gave beatings to her and threw her out of her matrimonial home. Though father of respondent no.2 tried to rehabilitate her, but in vain. Respondent no.2 filed petition under Section 125 CrPC for claiming interim maintenance on the ground that she has no independent source of income, whereas her husband has land measuring 7 killa and he is also having machines, due to which, he is earning Rs.40,000/- per month.

Though the factum of marriage was admitted by the petitioner, but the petitioner denied the allegations of demand of dowry.

The trial Court after hearing learned counsel for the parties held that it is the moral and legal duty of the husband to maintain his wife and directed the petitioner to pay interim maintenance to respondent no.2 @ Rs.1,000/- per month from the date of filing of the application till the final decision of the case vide judgment dated 28.11.2013.

Still aggrieved against the order dated 28.11.2013 passed by the trial Court, respondent no.2 filed revision petition

against the said order before learned Additional Sessions Judge, Tarn Taran, which was allowed vide order dated 25.8.2015 and the order passed by the trial Court dated 28.11.2013 was modified to the extent that the petitioner shall pay interim maintenance of Rs.3,000/- per month to the respondent no.2 from the date of filing of the application till the pendency of the proceedings, besides awarding an amount of Rs.5,000/- as expenses of proceedings.

It is in the aforesaid circumstances, the petitioner has filed the present petition challenging the order dated 25.8.2015 passed by learned Additional Sessions Judge, Tarn Taran.

Learned counsel for the petitioner contends that the petitioner is a poor man and he is not having sufficient earnings so as to pay maintenance @ Rs.3,000/- per month. He further submits that instead of paying the monthly maintenance, the petitioner is ready to live with respondent no.2 to lead a happy married life.

I have heard learned counsel for the petitioner.

The impugned order passed by learned Additional Sessions Judge is quite reasonable one. The petitioner has visited even foreign country which is established from the copy of his passport and his identity card of UAE, which is on record, apart from having agricultural property. Moreover, petitioner being an able-bodied person, it is but presumed that he can earn minimum wages which is more than Rs.8,000/- per month. The plea of the petitioner that he is ready to keep his wife with him cannot be gone into at this stage in proceedings under Section 125 CrPC, particularly when

there are allegations of demand of dowry against him and his family members. The revisionary Court has granted interim maintenance @ Rs.3,000/- per month, which is certainly not on higher side and is quite reasonable for survival of respondent no.2.

I, therefore, find no ground to interfere in the order passed by the revisionary Court.

The petition is accordingly dismissed.

November 16, 2015
AK

(HARI PAL VERMA)
JUDGE