

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-43035 of 2014
Date of Decision: January 22, 2015

Ravinder Kumar

...Petitioner

VERSUS

Tejinder Kaur @ Bevi

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Simar P.S.Barnala, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 07.11.2011, judgment dated 07.06.2013 passed by learned JMIC, Pathankot and judgment dated 13.08.2014 passed by learned Sessions Judge, Pathankot and all subsequent proceedings arising therefrom.

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

From the record, I find that Tejinder Kaur @ Bevi filed an application against Ravinder Kumar under Section 125 Cr.P.C. and vide order dated 07.11.2011, learned JMIC, Pathankot directed present petitioner to pay interim maintenance of ₹4,000/- per month to present respondent and his salary was taken as ₹13,465/- per month. Vide judgment dated 07.06.2013, learned JMIC, Pathankot fixed maintenance @ ₹4,000/- per month on merits. Then, revision was filed by the petitioner against the judgment dated 07.06.2013, which has

been dismissed by learned Sessions Judge, Pathankot.

The perusal of the record shows that the petitioner has already availed the remedy available to him by way of filing revision. However, he has filed the present petition for quashing of order and judgments. The petitioner is to show that there is illegality in the order and judgments passed by the Courts below, on the face of it, or the order and judgments amount to miscarriage of justice or abuse of process of the law.

The perusal of the record, especially the order and judgments passed by the Courts below, nowhere shows that any illegality has been committed. Even if the gross salary of the present petitioner is taken as ₹13,465/- per month, which is on the lower side, even then, the maintenance amount of ₹4,000/- per month granted to Tejinder Kaur @ Bevi is correct. In no way, it can be held as excessive. The Courts below have already gone through the evidence and revisional Court has also not found any illegality in the judgment passed by learned JMJC, Pathankot. The present petition under Section 482 Cr.P.C. has been filed in the guise of second revision, which is not permissible as per Section 397(3) Cr.P.C.

In view of the above discussion, I find that the impugned order and judgments passed by the Courts below are correct and as per law and do not require any interference from this Court.

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

January 22, 2015

Vgulasi

**(INDERJIT SINGH)
JUDGE**