

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-44214 of 2014

.....

Date of decision:12.1.2015

Yogesh Kumar

...Petitioner

v.

Kavita Rani and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Jaideep Vema, Advocate for the petitioner.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing the impugned order dated 27.11.2014 (Annexure-P.3) passed by the learned Sub Divisional Judicial Magistrate, Kharar, District S.A.S. Nagar (Mohali) in petition No.74/29.11.2012.

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

As per the impugned order dated 27.11.2014 (Annexure-P.3), the learned Sub Divisional Judicial Magistrate, Kharar, District S.A.S. Nagar (Mohali), has granted interim maintenance of ₹2,000/- per month to applicant No.1 Kavita (respondent No.1 herein) and ₹1,000/- each to Bhavna and Naina (minor daughters).

At the time of arguments, learned counsel for the petitioner

[2]

mainly argued that excessive amount has been granted as interim maintenance. He placed reliance on document Annexure-P.4. As per this document, his total salary is shown as ₹11,856.50, whereas the deductions are shown as ₹3,938.50. Out of the deductions, ₹1,800/- has been shown as Cooperative Society loan, Ropar, ₹353.50 has been shown as Cont. Loan. Provident Fund Contribution is shown as ₹750/-.

Keeping in view the facts and circumstances of the present case, I find that only ₹4,000/- has been granted as interim maintenance to the three respondents. Nowadays, it is very difficult to survive with such a meagre amount. In no way, this amount can be held as excessive. These deductions of ₹1800/- and ₹353.50 etc. are of some loan amount. This is to be considered as expenses of the present petitioner. Even if his carry home salary as ₹8,000/- is to be considered, even then this amount of ₹4,000/- granted to the three respondents, in no way, can be held as excessive. No illegality has been committed by the learned lower Court. No revision petition has been filed against this order.

Finding no merit in the present petition, the same is dismissed.

January 12, 2015.

(Inderjit Singh)
Judge

hsp