

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.28233 of 2015
and
Criminal Revision No.F-226 of 2015

.....

Date of decision:4.9.2015

Harpreet Kaur

...Petitioner

v.

Jaswinder Singh

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Arvinder Arora, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.28233 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 45 days in filing the criminal revision is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Revision No.F-226 of 2015:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 13.4.2015 passed by learned Additional District & Sessions Judge (District Judge) Family Court, Ambala, vide which the petition filed under Section 125 Cr.P.C. by the present petitioner has been dismissed.

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

From the record, I find that in the petition filed under Section 125 Cr.P.C., the present petitioner Harpreet Kaur alleged that she is not having any source of income whereas the respondent is serving in Indian Army as Constable and is getting more than ₹27,000/- to ₹28,000/- per month. The petitioner, thus, prayed for grant of maintenance to the tune of ₹10,000/- per month.

On the other hand, the respondent admitted the petitioner to be his legally wedded wife, but denied the allegations. He stated that the petitioner was working as a Teacher in a private school and is earning ₹20,000/- per month i.e. ₹15,000/- per month from school and ₹5,000/- per month on account of tuition work. The parties produced the evidence. The present petitioner while appearing in the Court in cross-examination admitted that she had done double M.A. in History and Punjabi and had also done the course of J.B.T. She also admitted that she is working as a teacher in NRM High School, Near Harmilap Mandir, Naraingarh and joined in July 2012. She remained employed in that school upto March 2014.

The learned District Judge, Family Court after discussing these facts dismissed the petition filed under Section 125 Cr.P.C.

From the record, I find that the order dated 13.4.2015 passed by the learned District Judge, Family Court is correct and as per law. The petitioner, who was serving at the time of filing of the petition has concealed that fact. She also concealed the material fact regarding her

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salary. She disclosed these facts only during her evidence when this plea was taken by the respondent in the written statement. Therefore, when the petitioner herself was employed in a school and was getting salary whatever may be, then the whole version given in the evidence by the petitioner is contradictory to the pleading and amounts to concealing material facts from the Court.

Therefore, the Court below has correctly passed the order dated 13.4.2015, which does not require any interference from this Court and the same is upheld. No illegality has been committed by the Court while passing this order.

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

September 4, 2015.

(Inderjit Singh)
Judge

hsp