

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-25197 of 2013(O&M)
Date of Decision: January 18, 2016

Virender Chawla and another

...Petitioners

VERSUS

Neha Chawla

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ajay Jain, Advocate
for the petitioner.

Mr.Jagnahar Singh, Amicus Curiae along with
complainant-respondent-in-person.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of the complaint titled as 'Neha Chawla vs. Virender Chawla and others' pending in the Court of JMIC, Ambala and judgment dated 11.10.2012 passed by learned Addl. Sessions Judge, Ambala, dismissing the revision petition against the order dated 17.09.2011 passed by learned JMIC, Ambala directing them to pay ₹5000/- each per month under Section 19B and 20B of the Domestic Violence Act,2005 to present respondent from the date of application.

Notice of motion was issued and respondent appeared in person to contest the petition and Amicus Curiae was also provided to

the respondent.

I have heard learned counsel for the petitioner and amicus curiae as well as respondent-in-person and have gone through the record.

At the time of arguments, learned counsel for the petitioners argued that the respondent kept silent for such a long period and now she has filed the application under Domestic Violence Act against the present petitioner for maintenance etc.

On the other hand, the respondent argued that she is entitled to maintenance as she has no source of income and cannot maintain herself. She further argued that petitioners inherited the property of her husband and they are liable to pay maintenance as per law.

After hearing learned counsel for the parties and respondent-in-person, I find that a revision has already been filed against the order dated 17.09.2011 passed by learned JMIC, Ambala and that revision has already been dismissed by learned Addl. Sessions Judge, Ambala vide judgment dated 11.10.2012.

It is a quashing petition and in the quashing petition, the petitioner is to show on the face of it that the orders passed by the Courts below are against the law and amount to miscarriage of justice. Nothing has been pointed out as to how the judgment and order passed by the Courts below are illegal or perverse or against the law and how the order and judgment have caused miscarriage of justice.

I have gone through the order and judgment passed by the Courts below. Nothing has been pointed out to show that the respondent is not entitled to maintenance. It is also not disputed that shares of the properties have also been inherited by the present petitioner, which were owned by the deceased husband of the respondent.

In view the above facts and circumstances, I find that the order and judgment passed by the Courts below are correct, 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 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE