

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

CRM-M-24166-2015 (O&M)

Date of decision: 22.11.2016

Ajit Pal Singh

.....Petitioner

Versus

State of Punjab & Ors.

.....Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Inderjit Sharma, Advocate,
for the applicant-petitioner.

Mr. Mikhail Kad, AAG, Punjab,
for respondent No.1-State.

Mr. Neeraj Madan, Advocate, for
Mr. Rajesh Kapila, Advocate,
for respondent Nos.2 & 3.

Jaishree Thakur, J.(Oral)

CRM-33476-2016

Instant application has been filed seeking disposal of the main petition in view of the order dated 27.9.2016 (Annexure P-4) passed by the learned JMIC, Ferozepur on the basis of a compromise entered into between the parties.

For the reasons mentioned in the criminal miscellaneous, the same is allowed and the matter is taken up for hearing on the basis of the compromise entered into between the parties.

CRM-M-24166-2015

1. This petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 10.07.2015 (Annexure P-3) passed by learned Sessions Judge, Ferozepur as well as the order dated 16.03.2015 (Annexure

P-2) passed by Judicial Magistrate Ist Class, Ferozepur wherein interim maintenance had been granted @ Rs. 1,500/- per month to respondent Nos. 2 & 3 which was lateron enhanced to a sum of Rs. 5,000/- per month each.

2. In brief, the facts are that an application for grant of interim maintenance was filed by Harpreet Kaur (respondent No.2 herein) and her minor daughter Eiqam @ Jiwanjot @ Happy, with the averments that she was legally wedded wife of the petitioner herein and would be entitled to interim maintenance under Section 125 Cr.P.C. Learned Judicial Magistrate Ist Class, Ferozepur by an order dated 16.03.2015 allowed interim maintenance @ Rs. 1500/- per month to each other respondents applicants by holding that the petitioner herein was earning a sum of Rs. 11,000/- per month. This order was challenged by way of a revision petition on the ground that the interim maintenance awarded was on the lower side. The Revisional Court enhanced the amount of interim maintenance to Rs. 5,000/- per month each to the applicants and a sum of Rs. 5,000/- as litigation expenses. The husband aggrieved against the said interim maintenance has preferred the instant petition.

Today the matter is taken up for hearing and the counsel for the petitioner argues that the matter regarding grant of maintenance under Section 125 Cr.P.C. has attained finality in the meantime vide order dated 27.09.2016 (Annexure P-4) and by the said order the petitioner herein has agreed to pay a sum of Rs. 10,000/- per month as maintenance allowance to his wife which will be inclusive of Rs. 5,000/- as maintenance allowance of the young minor child.

3. Since the main application under Section 125 Cr.P.C. stands

decided, no further orders are called for in the above noted petition since the petitioner herein was aggrieved by the order granting interim maintenance .

4. The petitioner had deposited a sum of Rs.1,00,000/- in the registry to be paid to the respondent , however since the said amount has been paid in the executing court the said amount be released to the petitioner as per rules.

5. Revision Petition stands disposed of accordingly.

22.11.2016
sp

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No.