

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-43762 of 2015(O&M)
Date of Decision: January 18, 2016

Dalip Kumar Verma

...Petitioner

VERSUS

Sangeeta Rani Verma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of complaint No.43 of 2015 titled as 'Sangeeta Verma and others vs. Dalip Kumar Verma' filed by the respondents before the Court of Judicial Magistrate Ist Class, Mohali and for quashing of all other proceedings.

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

Learned counsel for the petitioner has stated that petitioner is aggrieved from filing of frivolous petition under Section 125 Cr.P.C. at the asking of respondent No.1 after she left the matrimonial home and withdrawn from company and society of the petitioner and illegally removed custody of children from custody of petitioner. It is further stated that petitioner is entitled to invoke extra

ordinary jurisdiction of this Court for quashing the frivolous complaint.

At the time of arguments, learned counsel for the petitioner admitted that the proceedings are under Section 125 Cr.P.C. on behalf of three minor children also i.e. Shilpa, Priyanka and Tushar Verma. He also admitted that minor children are entitled to maintenance.

The proceedings under Section 125 Cr.P.C. also filed on behalf of three minor children i.e. respondents No.2 to 4, are as per law. The minors are entitled to maintenance and there is no ground that application under Section 125 Cr.P.C. can be held as frivolous in nature and against the law.

As regarding the arguments of learned counsel for the petitioner that the version of Sangeeta Rani Verma is discrepant with some other proceedings, I find that it is finding of fact, which is to be given by the Court below after the parties will lead evidence. In no way, at this stage, it can be held that filing of application under Section 125 Cr.P.C. asking for maintenance is abuse or process of law or amounts to miscarriage of justice.

In view of the above discussion, I do not find any ground to quash the complaint/application.

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

January 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE