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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5327/2014

DEVENDRA PRASAD Petitioner
Represented by: Mr.Rajesh Pathak, Adv.

versus

STATE & ANR Respondents
Represented by: Mr.Amit Ahlawat, APP for State
Mr.Sailash Gupta, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER
% **07.09.2016**

CRL.M.C. 5327/2014

1. Challenge is to the order dated September 12, 2014 passed in Crl.Appeal No.01/2014 by the learned ASJ confirming the order dated July 16, 2014 passed by the learned Metropolitan Magistrate directing petitioner to pay maintenance to his wife in sum of ₹25,000/- per month.
2. The learned Metropolitan Magistrate had passed the order on an application filed by the respondent on Section 12 of the Protection of Women from Domestic Violence 2005.
3. The learned Metropolitan Magistrate has noted that the petitioner was working as a Manager with ICICI Bank. The petitioner's stand that his wife was working in a beauty parlour and was having an income therefrom has been rejected in the absence of any proof.
4. The order passed by the learned Metropolitan Magistrate is no doubt

cryptic but I find good reasons given by the learned Additional Sessions Judge who has noted that the petitioner admitted his net salary to be ₹71,026/- per month.

5. In the petition the petitioner claims his monthly expenses as under:-

<u>“Expenses and Payments Towards Income</u>	
<i>Loan Deductions</i>	4714
<i>EMI</i>	15378
	11895
<i>Insurance</i>	6583
<i>Household Expenses</i>	5000
<i>to parents</i>	
<i>(Medical)</i>	12000
<i>Rent</i>	7000
<i>Travelling</i>	4500
<i>Total</i>	<u>61010/-</u>

6. The petitioner has withheld on what account equated monthly instalments in sum of ₹15,378/- and ₹11,895/- are being paid by him. If the petitioner spends ₹12,000/- on his parents, he owes a duty to ensure that his wife lives in similar comfort. The argument that the petitioner is without a job, if true, is a voluntary act of the petitioner and I am quite surprised that the petitioner has resigned from his job and is jobless today. If indeed he has done so, it is obviously cutting his nose to spite his face i.e. to incapacitate himself to deny claim of the wife.

7. Keeping in view the social and economic status of the parties, the order passed by the learned Metropolitan Magistrate as affirmed by the learned Additional Session Judge, cannot be faulted.

8. The petition is dismissed.

Crl.M.A. No.18140/2014

Dismissed as infructuous.

SEPTEMBER 07, 2016
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PRADEEP NANDRAJOG, J.