

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

**CRM No.M-10748 of 2018 (O&M)**

**Date of Decision: July 09, 2018**

Monu

...Petitioner

VERSUS

Payal

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Varun Gupta, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent Payal, for quashing the order dated 09.05.2016 passed by learned Judicial Magistrate Ist Class, Narnaul and also challenging the judgment dated 11.01.2018 passed by learned Sessions Judge, Narnaul, vide which the revision petition filed by the petitioner was dismissed.

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

From the record, I find that Payal, minor daughter of present petitioner, filed a petition against Monu under Section 125 Cr.P.C. for grant of maintenance. During the pendency of that petition, an application was filed for interim maintenance. It is the case of applicant Payal that marriage between mother of the applicant and Monu was solemnized on 05.07.2011

and she was born from the wedlock on 01.06.2012. A dispute arose between

applicant's mother and Monu and their marriage was dissolved vide order dated 21.11.2013. The applicant is residing with her mother, who has solemnized second marriage with one Dilawar. It is further the case of the applicant that she is minor and has no source of income, whereas respondent-Monu (present petitioner) is landlord and agriculturist by profession and earning more than ₹20,000/- per month. The application was contested by present petitioner. Learned JMIC, Narnaul, vide impugned order dated 19.05.2016, granted interim maintenance to applicant Payal at the rate of ₹1500/- per month.

A revision was filed by the petitioner and learned Addl. Sessions Judge, Narnaul, dismissed the same vide impugned judgment dated 11.01.2018. Aggrieved from the above said order and judgment, present petition has been filed.

Admittedly, Payal is minor daughter of the present petitioner. Nothing has been argued nor pleaded that minor has any independent source of income to maintain herself. As per Section 125 Cr.P.C., present petitioner is bound to maintain the minor child. Learned counsel for the petitioner argued qua wife that she has maltreated the petitioner and deserted him and got remarried but wife is not a party nor asking for maintenance. It is only the minor daughter, who is asking for maintenance. Learned counsel for the petitioner also argued that interim maintenance be deposited in the shape of FDR. This argument has no merit. A meagre amount of ₹1500/- has been awarded by the Court for maintenance. If this amount is deposited in FDR, then how the minor girl will be maintained and who will bear her expenses.

Learned counsel for the petitioner further contended that custody of minor

petition. As regarding this argument, I find that fact regarding custody of minor child is to be determined by the Court in separate proceedings. Till the minor child is residing separately from present petitioner, he is bound to pay the maintenance.

In view of the above discussion, I find that no illegality has been committed by learned Courts below while passing the impugned order and judgment and the same are upheld.

Therefore, finding no merit in the present petition, the same is dismissed with costs of ₹10,000/- to be deposited before the Court below payable to respondent Payal, as per law.

Since, main case is decided, therefore, misc. application, if any, shall stand disposed of automatically.

**July 09, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**