

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

**CRM-M-29478-2015(O&M)
Date of decision:-17.8.2018**

Ravinder Singh

...Petitioner

Versus

Smt.Anju

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Argued by : Ms.Bhavna Grewal, Advocate for
Mr.S.K. Yadav, Advocate
for the petitioner.

H.S. MADAAN, J.

Smt.Anju – estranged wife, Kumari Bebi – minor daughter of Ravinder Singh – respondent had filed an application under Section 125 Cr.P.C. against him for grant of monthly maintenance allowance.

After contest that application was allowed by Judicial Magistrate Ist Class, Mahendergarh vide order dated 3.7.2012. Petitioner Anju had filed a revision petition before the Court of Sessions, which was assigned to learned Additional Sessions Judge, Narnaul. That revision petition was allowed observing that she could not be imagined entitled to less than to the tune of Rs.2,000/- per month as maintenance

from the date of application. The case was remanded and was finally disposed of vide order dated 4.2.2015 granting a sum of Rs.2,000/- per month to petitioners payable by respondent from the date of application.

Respondent Ravinder Singh felt aggrieved by that order and filed a revision petition, which was assigned to Additional Sessions Judge, Narnaul, who vide judgment dated 31.7.2015 dismissed the same finding it devoid of merit. The operative part of the judgment is contained in paras No.8 and 9, which are being reproduced as under:

8. *After hearing the respective submissions this Court perused the case file as well the record of learned trial Court. Present criminal revision petition has been preferred by the revisionist for setting-aside the order dated 4.2.2015 vide which the revisionist has been ordered to pay Rs.2,000/- per month to the petitioner No.1-respondent. It becomes relevant to quote the relevant lines of order dated 4.6.2014 which reads as under:-*

“Considering all the facts and circumstances, the petitioner No.1 being legally wife of the respondent cannot be imagined entitled less than to the tune of Rs.2,000/- per month as maintenance from the date of application. Accordingly, the learned trial Court order qua petitioner No.1 is hereby set aside. Revision petition is allowed and learned trial Court is directed to decide the matter in view of the discussion and observation made herein-above.”

9. *A bare reading of above lines of order dated*

4.6.2014 itself as well the fact that the same was not challenged by revisionist makes the plea of revisionist as unsustainable qua challenging the impugned order dated 4.2.2015. It is necessary to point out here that the amount which has been granted to the petitioner No.2 vide order dated 3.7.2010 has not been challenged by the revisionist. It is necessary to point out here that the copy of judgment dated 10.1.2014 reveals the revisionist did not prefer to contest the divorce petition and this fact also goes against the revisionist. It is necessary to point out here that the relief of section 125 Cr.P.C. is available even to a divorced wife. Therefore, none of the grounds as alleged in the revision petition found sustainable for any kind of interference in the impugned order. Hence the present petition is devoid of merit and hereby dismissed. File be consigned tot he record room, after due compliance. Lower court record be sent back.

Now the husband has approached this Court by way of filing the present petition under Section 482 Cr.P.C. seeking quashing of the orders passed by the Courts below.

I have heard learned counsel for the petitioner besides going through the record.

Section 482 Cr.P.C. deals with inherent powers of the High Court providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent

abuse of the process of any Court or otherwise to secure the ends of justice.

Here I do not find any illegality and irregularity in the judgments passed by the Courts below. Rather the same are based upon proper appraisal and appreciation of evidence and correct interpretation of law. The maintenance amount was awarded keeping in view all the relevant facts and circumstances including the fact that the petitioner was forced to live separately under compelling circumstances and she has not deserted the respondent as alleged by him in his written reply and further that respondent has got sufficient means of income and is an able bodied person. The amount of maintenance awarded @ Rs.2,000/- can certainly be not called excessive. The Courts below have properly exercised the jurisdiction vested in such Courts and orders passed are perfectly legal, which can certainly be not termed as an abuse of process of law. The ends of justice also demand that a deserted wife having custody of minor child of the parties, who is unable to make both ends meet be granted maintenance by her husband, who is an able bodied person having sufficient source of income.

Therefore, the petition being without merit stands dismissed.

(H.S.MADAAN)
JUDGE

17.8.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No