

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

**CRM-M-5406-2019 (O&M)
Date of Decision: 20.2.2019**

Dr. Narinder Mohan Bhalla

.....PETITIONER(s).

VERSUS

Dr. Reni Kapoor and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sunil Chadha, Sr. Advocate with
Ms. Swati Verma, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J.

At the outset, this Court would like to quote Washington
Irving's words :

“A father may turn his back on his child; brothers and sisters
may become inveterate enemies; husbands may desert their
wives, and wives their husbands. But a mother's love
endures through all; in good repute, in bad repute, in the face
of the world's condemnation, a mother still loves on, and still
hopes that her child may turn from his evil ways, and repent;
still she remembers the infact smiles that once filled her
bosom with rapture, the merry laugh, the joyful shout of his
childhood, the opening promise of his youth; and she can
never be brought to think him all unworthy.

This is a petition under Section 482 of the Code of Criminal Procedure for quashing order dated 25.1.2017 (Annexure P-8) passed by learned Additional Chief Judicial Magistrate, Sangrur in complaint No.124 dated 25.5.2011 as well as judgment dated 19.1.2019 (Annexure P-9) passed by learned Additional Sessions Judge, Sangrur upholding the order dated 25.1.2017 passed by learned Additional Chief Judicial Magistrate, Sangrur.

In the case in hand, minor Bhavika is the victim of the enormosity between her parents. She is studying in a school.

Learned counsel for the petitioner has vehemently contended that no evidence is available on the record if any cruelty was committed to the petitioner and without such evidence, no relief can be granted. However, it has also been argued that the mother of the minor respondent is also working and she have to share the responsibility of the minor in monetary terms. Reliance has been placed on the judgment of Hon'ble Supreme Court in **Sangita Saha v. Abhijit Saha and others**; Special Leave to Appeal No.2600-2601/2016 decided on 28.1.2019 and of Bombay High Court in **Koushik v. Sau. Sangeeta Koushik Gharami and others**; 2014 (25) RCR (Criminal) 400.

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

Serious allegations have been levelled against the petitioner in the complaint with regard to domestic violence. It is claimed in the application that the petitioner is having sufficient moveable and immovable properties in his name and at present, he is also running a

nursing home under the name and style of Bhalla Nursing Home at Sangrur, Chandigarh Ultrasound near Civil Hospital, Dhuri, Chandigarh Ultra Sound, Patran. He is also having 1/5th share in Everest Model School at Sangrur and he can easily pay ₹ 20,000/- to respondent No.1- wife and ₹ 5,000/- to the minor daughter for school fee and daily necessities.

In his written statement, the petitioner has submitted that in the inquiry report submitted by Child Project and Development Officer, it is specifically stated that both the respondents are residing in the house of the petitioner and the petitioner has provided them two rooms, store, lobby, kitchen, washroom and bathroom. He alleges that the respondent wife is working as an Associate Officer and is earning ₹ 40,000/- per month. However, he did not disclose his actual income.

Specific allegations have been levelled against the petitioner that he was initially demanding dowry from his wife and he used to insult and humiliate her in the presence of his relatives. He was demanding divorce alleging that his wife is not beautiful and he compelled both the respondents to leave his house.

It is specifically alleged by the respondent-wife that the petitioner had illicit relations with one lady Smt. Pooja Sharma daughter of Ram Parkash Sharma and the latter has been residing with the petitioner and he is maintaining her in a nice manner. Even said Pooja Sharma has also beaten up the respondent-wife several times. Both the petitioner and said Pooja Sharma always wanted to throw her away from the matrimonial house.

There are serious allegations with regard to cruelty. Hon'ble Supreme Court in **Sangita Saha's** case (supra) has made following observations : -

“We are in agreement with the finding recorded by the High Court that there is absolutely no evidence to prove domestic violence. However, we are of the considered opinion that the child has to be paid maintenance at the rate of Rs.4,000/- as was determined by the learned District Judge. The learned counsel for the respondent fairly acceded to the same.”

A bare perusal of the above quoted paragraph shows that although there was absolutely no evidence to prove the domestic violence, yet the child was awarded maintenance @ ₹ 4,000/- per month. However, the facts in **Koushik's** case (supra) are distinguishable on facts.

It has also been argued that mother of the minor child is also working woman. She can also share the responsibility. This Court has considered this submission but it carries not weight.

The mother's heart is child's school room.

The comfort of cozy lap of the mother enjoyed by the child cannot be quantified in terms of money. In case of daughter, mother is her first friend as well as saviour. In this case, mother is providing dress, books, uniform and so many things. By arguing this, the petitioner wants to shun away from the responsibility.

Keeping in view the facts and circumstances of the case, this Court is of the view that the quantum of maintenance awarded to the respondents is merely adequate and appropriate as she is entitled to enjoy

the status of life her father is maintaining himself. No case is made out for interference in the impugned order by this Court.

Dismissed.

February 20, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>