

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

(1) CRM-M-22205 of 2016.
Decided on:- September 26, 2019.

Mukesh Dhir.Petitioner.

Versus

State of Haryana and anotherRespondents.

(2) CRR(F) No.174 of 2016.

Geetika Verma and anotherPetitioners.

Versus

Mukesh Dhir.Respondent.

(3) CRR(F) No.226 of 2016.

Mukesh Dhir.Petitioner.

Versus

Geetika Verma and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sushil Bhardwaj, Advocate
for the petitioner in CRM-M-22205 and CRR(F)-226 of 2016 &
for the respondent in CRR(F) No.174 of 2016.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Rajinder Goyal, Advocate
for respondent No.2 in CRM-M-22205 of 2016,
for the petitioners in CRR(F) No.174 of 2016 and
for the respondents in CRR(F) No.226 of 2016.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned three petitions i.e.

CRM-M No.22205 of 2016 titled as ***Mukesh Dhir Versus State of Haryana***

and another; CRR(F) No.174 of 2016 titled as ***Geetika Verma and another Versus Mukesh Dhir*** and ***CRR(F) No.226 of 2016*** titled as ***Mukesh Dhir Versus Geetika Verma and another.***

The petition i.e. ***CRM-M-22205 of 2016*** has been filed by petitioner Mukesh Dhir under Section 482 Cr.PC seeking quashing of the FIR No.3 dated 04.02.2016 under Sections 406 and 498-A IPC registered at Women Police Station Ambala, District Ambala (Annexure P-6) and all subsequent proceedings arising therefrom.

Another petition i.e. ***CRR(F) No.174 of 2016*** has been filed by petitioners Geetika Verma and her minor son Sidharth @ Shreshta for enhancement of the maintenance awarded by learned District Judge (Family Court), Ambala vide order dated 04.05.2016 in a petition under Section 125 Cr.PC filed by petitioners Geetika Verma and her minor son against respondent Mukesh Dhir.

Vide impugned order dated 04.05.2016, learned family Court, while considering the salary of respondent-husband Mukesh Dhir @ Rs.1,36,071/- per month, has directed him to pay maintenance allowance @ Rs.15,000/- per month to petitioner No.1-Geetika Verma and Rs.6,000/- per month to petitioner No.2-minor son from the date of filing of the petition under Section 125 Cr.P.C. along with litigation expenses of Rs.5,000/- which shall be paid by him to both the petitioners in equal shares.

Similarly, the petition i.e. ***CRR(F) No.226 of 2016*** has been filed by petitioner Mukesh Dhir for setting aside the aforesaid order dated 04.05.2016 passed by learned family Court, Ambala.

However, for convenience and clarity, the detailed order is being passed in the petition bearing No. **CRM-M-22205 of 2016** titled as ***Mukesh Dhir Versus State of Haryana and another.***

At this stage, learned counsel for respondent No.2 Geetika Verma has produced the copy of order dated May 01, 2019 passed by the Division Bench of this Court in ***CMM-265-2018 in/and FAO-7502 of 2016*** titled as ***Mukesh Dhir Versus Geetika Verma***, which is taken on record.

The aforesaid order dated May 01, 2019 shows that the Division Bench of this Court, while considering the salary of petitioner-husband Mukesh Dhir to be more than Rs.1 lakh per month, has allowed the application under Section 24 of the Hindu Marriage Act, 1955 filed by respondent No.2-wife Geetika Verma and has directed the petitioner-husband to pay Rs.50,000/- per month towards maintenance from the date of filing of the application with a further direction to adjust the amount of Rs.40,000/- already being paid under the order dated 07.03.2014 passed in separate litigation under the Protection of Women from Domestic Violence Act, 2005. The relevant part of the aforesaid order dated 01.05.2019 passed by the Division Bench of this Court reads as under:

“We have heard the learned counsel for the parties and after examining the record, are of the considered opinion that the order of highest maintenance awarded to the respondent-applicant has to be taken into consideration which was determined way-back on 7.3.2014 to the tune of Rs.40,000/- per month keeping in view the salary of the appellant which is more than Rs.1 lakh per month. The said order has not been reversed by any Court and is still subsisting without there being any stay therein. Keeping in view the fact that since five years have

passed, we are of the considered opinion that it would be just and expedient if the respondent-applicant is awarded Rs.50,000/- per month as a whole towards maintenance for herself and her minor son, keeping in view the status and salary of the appellant.

Thus, the present application is hereby allowed and the non-applicant/appellant is directed to pay Rs.50,000/- per month towards maintenance from the date of filing of the application. It is needless to mention that it would include and adjust the amount of Rs.40,000/- already being paid under the order dated 7.3.2014. However, it is made clear that if the arrears, to be calculated in terms of the order passed today, are not paid on or before the next date, the defence of the appellant shall be struck off. The interim order passed on the interim litigation expenses is hereby made absolute.”

Admittedly, the aforesaid order dated 01.05.2019 has not been challenged by any of the parties and in this manner, so long as the said order is not modified or set aside, it shall remain final. Further more, this Court has awarded ample opportunity to the petitioner to clear the arrears of maintenance. On the last date of hearing i.e. August 16, 2019, learned counsel for the petitioner-husband stated that he had instructions to state that the petitioner-husband shall clear the outstanding maintenance amount on or before 23.09.2019, but despite that, the petitioner has not clear the arrears of maintenance so awarded.

Therefore, once the parties are already under litigation before the Division Bench of this Court in **FAO No.7502 of 2016**, wherein the application under Section 24 of the Hindu Marriage Act, 1955 filed by respondent-wife has been allowed, and she has been awarded maintenance @ Rs.50,000/- per month, this Court finds that no further order is required to be

passed in criminal revisions i.e. *CRR(F) No.174 of 2016* and *CRR(F) No.226 of 2016* and the same are, accordingly, disposed of.

As regard the prayer of the petitioner-husband for quashing of FIR is concerned, learned State counsel has submitted that in the aforementioned FIR, the petitioner being husband of respondent No.2 is the only accused in the case and charge has already been framed against the petitioner-husband and the complainant has been examined before the trial Court.

Therefore, this Court finds that once the examination of respondent No.2-complainant has been recorded before the trial Court, it is for the trial Court to conclude the trial after recording the remaining evidence of the parties and no ground to quash the FIR in question is made out.

Accordingly, the petition i.e. *CRM-M-22205 of 2016* is, hereby dismissed.

Photocopy of this order be placed on the files of other connected cases.

September 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No