

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

CRM-M-26620 of 2019.

Decided on:- July 01, 2019.

Gurmeet Singh.

.....Petitioner.

Versus

Veerpal Kaur and another

.....Respondents.

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

Present:- Mr. Tarun Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 482 Cr.P.C. for quashing of order dated 14.12.2016 (Annexure P-7) passed by learned Chief Judicial Magistrate, Ferozepur, whereby on an application filed by the respondents for grant of interim maintenance during pendency of the petition under Section 125 Cr.P.C., the petitioner was directed to pay a sum of Rs.3,000/- per month to respondent No.1 as pendent elite ad interim maintenance from the date of the application. Since respondent No.2 Gurvinder Kaur minor daughter of respondent No.1 was born from the earlier marriage of respondent No.1 with one Rachhpal Singh, learned Magistrate had not awarded any maintenance to her.

Against the aforesaid order dated 14.12.2016, the respondents filed revision petition before the Court of Session as no interim maintenance was awarded to respondent No.2, who was also claimant in the maintenance application. Further, the respondent No.1 also sought enhancement of interim

maintenance. However, vide order dated 05.05.2017 passed by learned Sessions Judge, Ferozepur, the said revision petition was dismissed.

After dismissal of the revision petition filed by the respondents, the petitioner has filed present petition before this Court challenging the order dated 14.12.2016 passed by learned Chief Judicial Magistrate, Ferozepur, whereby aforementioned interim maintenance was granted to respondent No.1.

Learned counsel for the petitioner has argued that the petitioner was neither married with respondent No.1 nor adopted respondent No.2 and as such, there is no question of paying any maintenance to the respondents under Section 125 Cr.P.C. Moreover, respondent No.1 has also averred in her petition under Section 125 Cr.P.C. that she was married to one Rachhpal Singh son of Teja Singh and from the said marriage, respondent No.2 was born.

He has further argued that the petitioner had married with Asha Rani in the year 1998 and from the said wedlock, two daughters, namely, Ravinder Kaur and Palwinder Kaur and one son, namely, Isham Singh were born on 15.06.1999, 16.02.2002 and 29.01.2018 respectively. Therefore, the impugned order dated 14.12.2016 passed by the Chief Judicial Magistrate, Ferozepur suffers from material irregularities, based upon surmises and conjectures and is liable to be set aside.

I have heard learned counsel for the petitioner.

The maintenance awarded to respondent No.1 @ Rs.3,000/- per month is interim in nature and the main application under Section 125 Cr.P.C. filed by the respondents has not been finally adjudicated by learned Magistrate. Further, this Court cannot ignore the fact that the impugned order

was passed by learned Magistrate on 14.12.2016, whereas the petitioner has filed present petition under Section 482 Cr.PC on 06.06.2019 i.e. after about 2½ years. Moreover, against the said order, there is separate remedy available to the petitioner, but without exhausting the said remedy, the petitioner has straightaway approached this Court.

Accordingly, no ground is made out to interfere with the impugned order dated 14.12.2016 passed by learned Chief Judicial Magistrate, Ferozepur.

The present petition is, accordingly, dismissed.

July 01, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No