

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-31927 of 2019

Date of Decision: 23.10.2019

Navdeep Singh

...Petitioner(s)

Versus

Gurpreet Kaur

...Respondent(s)

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

Present:- Mr. B.S. Randhawa, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing of impugned order dated 29.01.2019 passed by Additional Sessions Judge, Gurdaspur, whereby the order dated 12.09.2018 passed by Additional Chief Judicial Magistrate, Gurdaspur was modified and the maintenance was enhanced from Rs.9,000/- to Rs.15,000/- per month.

Briefly stated, respondent filed a petition under Section 125 CrPC seeking maintenance. As per the respondent, the marriage between the parties was solemnized on 11.03.2016, in which, sufficient dowry including Swift car, refrigerator, LED, washing machine, microwave etc. was given. Gold ornaments weighing about 16 tolas were also given by the parents of the respondent-wife. However, the petitioner-husband and his

family members were not satisfied with the dowry, so given in the marriage. Therefore, they started maltreating the respondent-wife for bringing insufficient dowry. They gave merciless beatings to her and turned her out of her matrimonial home. Thereafter, she was rehabilitated by her father. But still, the petitioner and his family members used to lock her in a room and did not serve her any meals or water etc. The petitioner used to proclaim that he was not interested to marry with the respondent, as she had spots on her elbows. The respondent was treated as a prisoner and made to work like a servant. On 03.07.2016, the respondent was given merciless beatings by the petitioner and his family members and they even tried to kill her. When she raised an alarm, she was saved by the neighbours. The petitioner along with his family members had forced the respondent to write a suicide note. After procuring the suicide note, they turned her out of her matrimonial home. The parents of the respondent approached the petitioner for her rehabilitation, but to no avail. They remained adamant on their stand for bringing more dowry. The petitioner is serving in Punjab Police and his salary is more than Rs.45,000/- per month.

The application filed under Section 125 CrPC for grant of maintenance was allowed by Additional Chief Judicial Magistrate, Gurdaspur vide order dated 12.09.2018 and maintenance @ Rs.9,000/- per month was granted to the respondent-wife from the date of her application.

Not satisfied with the maintenance so granted, the respondent-wife filed a revision petition against the order dated 12.09.2018 and the revisionary Court allowed the same vide order dated 29.01.2019 and

enhanced the maintenance so granted by the Magistrate from Rs.9,000/- per month to Rs.15,000/- per month.

It is in these circumstances, the petitioner-husband has filed the present petition challenging the order dated 29.01.2019 passed by Additional Sessions Judge, Gurdaspur.

Counsel for the petitioner has argued that the marriage between the parties was performed in a simple manner and no dowry was given in the marriage. No child is born out of this wedlock. After a period of six months of the marriage, the respondent-wife started misbehaving with her in-laws on petty issues. She is a quarrelsome lady and her parents also interfered in the matrimonial life of the petitioner. The respondent had left her matrimonial home with her own consent and without any sufficient reason. Therefore, she is not entitled for any maintenance. It is the petitioner who had approached the Panchayat and other relatives to settle the matrimonial dispute, but to no avail.

I have heard learned counsel for the petitioner and perused the orders passed by both the Courts below.

It has been found by the revisionary Court that the petitioner is serving in Punjab Police as Head Constable and getting salary of Rs.46,890/- per month. He is the only son of his parents and his father is a retired Army officer and his grandmother is also getting pension from Army and they are also having agricultural land and thus, his income from all sources was assessed at Rs.50,000/- per month. The petitioner has no liability to discharge whereas the respondent is a housewife and has no

independent source of income. The pleas taken on behalf of the petitioner have already been dealt with by the Courts below.

Considering the fact that the petitioner is working in Punjab Police and drawing monthly salary of more than Rs.45,000/-, the awarded maintenance to wife can not be termed on higher side particularly when the prices of day to day requirement are on high rise. Therefore, this Court finds that the impugned order does not require any interference whatsoever.

Accordingly, the present petition is dismissed.

October 23, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No