

116

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

CRM-M-15843-2021(O&M)

Date of Decision: September 21, 2022

Harpreet Singh

.....Petitioner

Versus

Rohanpreet Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Shaveta Sanghi, Advocate for
Mr.Aditya Sanghi, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 06.03.2020 passed by learned Additional Sessions Judge, Sangrur, whereby the revision petition filed by the petitioner has been dismissed and the revision petition filed by the respondent-wife was partly allowed.

Counsel for the petitioner has submitted that as per facts of the case, mother of minor respondent No.1 filed a petition under Section 125 Cr.P.C. on her behalf and on behalf of her minor son Rohanpreet Singh for grant of maintenance. She has submitted that the respondent-wife never cooperated in the matrimonial home and she always raised petty issues. She has submitted that the learned JMJC allowed the maintenance qua the minor @ Rs.5000/- per month but declined the same to the respondent-wife vide its order dated 08.06.2018. She has submitted that after solemnizing the marriage, the petitioner came to know that respondent No.2 was already

married with one Harminder Singh and hence the marriage of respondent No.2 with the petitioner was nullity in the eyes of law. She argued that this fact was never disclosed by the respondent-wife. She has further submitted that the petitioner filed a petition under Section 11 of the Hindu Marriage Act declaring the marriage null and void and the same was allowed vide order dated 02.08.2014. She submits that thereafter both the petitioner and respondents assailed the impugned order passed by learned JMJC by way of filing separate revision petitions before the learned Additional Sessions Judge, Sangrur. She submits that the revisional Court had failed to appreciate the evidence on record and thus drawn a wrong conclusion in declining the revision petition filed by the petitioner whereas it has partly accepted the revision petition filed by the respondents by granting maintenance to the respondent-minor @ Rs.5,000/- per month from the date of application.

Heard.

Relationship between the petitioner and the respondent No.2 is an admitted fact as both had solemnized the marriage on 09.12.2010. However, thereafter the petitioner came to know that the respondent-wife has solemnized the marriage with the petitioner without seeking divorce from her first husband. The petitioner filed a petition under Section 11 of the Hindu Marriage Act and the marriage was declared null and void. It is because of this reason only that the Family Court has declined the maintenance to the wife. However, it is an admitted fact that the respondent-minor is born out of the marriage between the petitioner and respondent No.2. Learned Family Court has taken into consideration the income of the petitioner and the relative legal propositions regarding the same. Petitioner

is admittedly father of the respondent-minor. He is an able bodied person. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. As per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to look after his minor children. Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, has held that the living expenses of the child would include expenses for food, clothing, residence, medical expenses and education of the child.

Weighing the facts and circumstances of the present case on the anvil of law settled, this Court does not find any infirmity in the order passed learned Additional Sessions Judge. Resultantly, the petition being devoid of any merit, is hereby dismissed.

September 21, 2022
meenuss

(RAJESH BHARDWAJ)
JUDGE

- | | |
|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |