

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CRM-M-54458-2021 (O&M)

Date of decision:- 05.09.2022

Surjan Singh

...Petitioner

Versus

Rajbir Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

CRM-30205-2022

Application is allowed as prayed for.

Affidavit dated 16.08.2022 filed by the petitioner is taken on record as Annexure A-1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Code") seeking quashing of order dated 27.02.2019 passed by learned Sessions Judge, Fatehgarh Sahib in Criminal Revision No.32 dated 28.05.2018 titled as Rajbir Kaur Versus Surjan Singh, Annexure P-2, whereby the revision filed by the respondent-wife against the order dated 29.09.2017 passed by learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, Annexure P-1, has been accepted and respondent-wife has been awarded monthly maintenance of Rs.2,000/-under Section 125 of the Code.

Heard counsel for the petitioner.

There is no dispute about the marital ties between the petitioner and the respondent. Mere fact that the petitioner has been acquitted in the criminal proceedings initiated by respondent-wife on allegation of misappropriation of dowry articles and cruelty, will not absolve him of his responsibility to maintain her. As per the evidence on record, respondent has been thrown out of the matrimonial home, she has no income to maintain herself and is totally dependent upon her parents. Though, it has been claimed by the respondent that the petitioner is working in a factory, yet no evidence in this regard could be brought on the record. Vide order dated 05.01.2022, this Court had granted time to the petitioner to file an affidavit in terms of the judgment of the Supreme Court in ***Rajnesh Versus Neha (2021) 2 SCC 324***, but in his affidavit, Annexure A-1, he has deposed that he does not own or posses any movable or immovable property. There is no denial that he is not earning. Petitioner is admittedly an able bodied person, therefore, the assumption drawn by the Appellate Court that he must be earning a minimum of Rs.15,000/- per month seems to be fair in the circumstances. Award of mere Rs.2,000/- per month to the respondent does not deserve to be interfered with.

There is no illegality or infirmity in the order passed by the Appellate Court.

Petition is bereft of merit and is hereby dismissed.

05.09.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No