

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

129

CRM-M-46202-2021

Date of Decision : 20.03.2023

Iqbal Singh @ Jagwinder Singh

..... Petitioner

Versus

Ravinder Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Navjinder S.Sidhu, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 read with Section 483 Cr.P.C. is seeking quashing of petition under Section 125 Cr.P.C.

Learned counsel for the petitioner *inter alia* contends that the petitioner and the respondents have entered into compromise where it was settled that both the parties would stay separate and the petitioner would pay a sum of Rs. 11 lakhs as permanent alimony. The petitioner has already paid the said amount by way of demand draft. The respondent despite getting Rs.11 lakhs as maintenance has filed a petition under Section 125 Cr.P.C. seeking maintenance. The claim of the respondent is prima facie contrary to mandate of Section 125(4) of Cr.P.C. The petitioner has raised this issue before the trial Court, however, the trial Court is not adjudicating this question and proceeding further with the question of quantum of maintenance.

I have heard the arguments of learned counsel for the petitioner and perused the record.

Without commenting upon the merits of the case, the petition is disposed of with a request to the Family Court to adjudicate the question of maintainability at the first instance and thereafter proceed with the application 125 Cr.P.C.

(JAGMOHAN BANSAL)
JUDGE

20.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>