

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-317-2024 (O&M)
Date of Decision: 07.03.2024

JANVI (MINOR) THROUGH HER GUARDIAN SHRI SUKH DASS

.....PETITIONER

Vs.

SUMAN

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J.

1. Prayer in the present Criminal Revision Petition is for enhancement of the maintenance amount awarded as per order dated 12.12.2023 passed by learned Principal Judge, Family Court, Hisar, whereby the respondent-mother has been directed to pay a sum of ₹5,000/- per month as maintenance allowance to the petitioner-minor child in a petition filed under Section 125 of the Code of Criminal Procedure, 1973 (for short '*the Code*').

2. Learned counsel for the petitioner contends that the petitioner herein is a minor daughter of the respondent. The present petition has been filed by the petitioner through Sh. Sukh Dass, who is father and guardian of the petitioner. The marriage of the petitioner's father and the respondent was solemnized on 23.10.2011 and out of the said wedlock, the petitioner (minor daughter) was born on 27.11.2014. It was the first marriage of the petitioner's father, whereas the respondent, i.e. the mother of the petitioner

was a widow lady, as such, it was her 2nd marriage. The respondent was also having one daughter from her previous marriage who is presently living with her.

2.1 It is further contended that the respondent is short tempered and she had never taken care of the petitioner and even never providing her breast feed due to which petitioner suffered malnutrition. The respondent left the company of the petitioner as per her own will and since then the petitioner is being looked after by her father. At present the petitioner is suffering from various ailments and her head has also become bigger in size. She is under medical treatment since her birth. Now the petitioner is a school going child and is fully dependent on her father. Though the father of the petitioner is employed as Supervisor Youth Welfare in the Guru Jambheshwar University, Hisar and is getting a salary of ₹64,000/- per month but the entire salary is spent on the treatment, as well as on the educational expenses of the petitioner. Whereas, the respondent who is the mother of the petitioner is working as a Post-Graduate Teacher (PGT) in the Education Department of Haryana and is getting salary of ₹74,000/- per month. The respondent is also receiving family pension for a sum of ₹16,000/- for her earlier daughter. The said amount is sufficient for meeting the needs of the daughter of the respondent. However, the petitioner needs more funds as she is having medical needs.

2.2. The counsel for the petitioner further submits that the Family Court has not properly appreciated the evidence and facts on record while awarding meager amount of maintenance to the petitioner-minor child. The petitioner is entitled for enhancement of the said amount.

3. Keeping in view the facts and circumstances of the case, issuance of notice to the respondent is dispensed with.

4. As per the paper book, the petitioner-minor child filed a petition under Section 125 of the Code for issuance of a direction to the respondent-mother to pay maintenance to the petitioner. As per the contentions, the marriage between the father of the petitioner and respondent was solemnized on 23.10.2011. The petitioner was born on 27.11.2014. It was the first marriage of the father of the petitioner whereas the respondent was widow and it was her second marriage. The respondent-mother did not care for the petitioner not even give her breast feeding and ultimately, left the society of her father on 01.04.2017. She is working and earning handsome salary. The father of the petitioner is also working and his salary is ₹40,000/- per month.

5. The respondent-mother contested the petition on various grounds. However, the relationship between the parties was admitted. It was contended that as per the allegations of the respondent, petitioner's father and his family members are greedy persons and they started harassing, torturing, taunting and beating the respondent for bringing more and more dowry. They used to pressurize her to bring cash as she had obtained a huge claim on account of death of her previous husband in a road accident whereas she has never received any such amount. The father of the petitioner solemnized marriage with the respondent only due to his greed and to get ₹20,00,000/- of compensation. However, as the respondent has never received such amount, the father of the petitioner and his family members started harassing and torturing the respondent. Due to the aforesaid reasons, she had to leave the company of the father of the petitioner. The father of the petitioner along

with his cousin Rajpal also made the obscene video of the respondent by installing camera in her bed room. They started blackmailing her, as such an FIR No. 09, dated 04.01.2018, under Sections 341, 354-A, 354-B, 377, 451 and 506 of the IPC read with Section 34 thereof, was also got registered at the instance of the respondent in Police Station City District Hisar.

6. In the evidence, the father of the petitioner Sukh Dass appeared as PW-1 and tendered his affidavit Ex. PW-1/A and examined Raj Kumar, PGT as PW-2 and Sandeep Kumar, Clerk Forest Department, Hisar as PW-3. He has also placed on record some documents as Ex. PA to PH and Mark A.

7. On the other hand, respondent-Suman herself appeared as RW-1 and tendered her affidavit as RW-1/A and also tendered some documents in support of his contentions as Ex. R-1 to R-4.

8. The Family Court considered the evidence led by the petitioner, as well as by the respondent-mother and also took a note of the registration of the FIR No.9, dated 04.01.2018 at the instance of the respondent-mother under Sections 341, 354-A, 354-B, 377, 451 and 506 of the IPC read with Section 34 thereof with the allegations of circulating obscene videos of the father of the petitioner. The Family Court had also taken into consideration that the marital union between the parents of the petitioner has been finally dissolved on 23.01.2023 by a decree of divorce passed by the Family Court, Hisar. A female child from the previous marriage born to the respondent on 10.01.2007 is in the custody of the respondent as her natural father has passed away in a road side accident. While considering the salary of the respondent as ₹75,519/- per month and salary of the father of the petitioner as ₹64,000/- per month and considering the facts that the respondent-mother

is also supporting another daughter from the previous marriage, the Family Court has awarded a sum of ₹5,000/- as maintenance allowance to the petitioner w.e.f. 04.06.2019, i.e. from the date of filing of the petition.

9. It is not disputed that the father of the petitioner is earning a sum of ₹64,000/- per month as monthly salary and the respondent-mother is earning ₹75,519/- per month. Even if it is considered that the minor child of the respondent from the previous marriage is getting some family pension, the Family Court has rightly awarded a sum of ₹5,000/- per month as maintenance to the petitioner by taking into consideration the difference of the salary of the parents of the petitioner and also taking into consideration the responsibility of second child of the respondent-mother. There is nothing on record to show that the evidence has not been properly appreciated by the Family Court or that any facts and circumstances has been ignored by the Family Court. The order passed by the Family Court is well justified and based on the evidence on record.

10. The Hon'ble Apex Court, in the case of “*Jagannath Choudhary vs. Ramayan Singh*”; 2002(2) R.C.R. (Criminal) 813, has held that the object of the revisional jurisdiction, as envisaged under Section 401 Cr.P.C. was to confer upon superior criminal courts a kind of paternal or supervisory jurisdiction, in order to correct miscarriage of justice arising from misconception of law, irregularity of procedure. Where the Court concerned does not appear to have committed any illegality or material irregularity or impropriety in passing the impugned order, the revision cannot succeed.

11. No illegality or irregularity is found in the impugned order, as such, the present petition is dismissed in *limine* being without merits.

12. Pending miscellaneous application (s), if any, shall also stand disposed of.

March 07, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No