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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-716-2024 (O&M)
Date of decision: 20.05.2024

Atul Bhatt

... Petitioner

Vs.

Amrita Sharma and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chanchal K. Singla, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the impugned order dated 29.04.2024 passed by learned Principal Judge, Family Court, Gurugram, vide which, in a petition filed under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), the employer of the petitioner has been directed to ensure deposit of amount of EMI in the loan account.

2. The marriage between the petitioner and respondent No.1 was solemnized on 13.04.2021 according to Hindu rites and rituals. Out of this wedlock, one female child i.e. respondent No.2 was born. However,



matrimonial dispute ensued between the couple and the respondents filed a petition under Section 125 Cr.P.C. seeking maintenance of Rs.60,000/- per month. The petitioner filed a reply and contested the claim made by the respondents. The learned Family Court, vide order dated 29.04.2024, directed employer of the petitioner to ensure deposit of amount of EMI in the loan account. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner, *inter alia*, contends that the impugned order passed by learned Family Court is not sustainable in the eyes of law. As per affidavit declaring the assets and liabilities filed by respondent No.1-wife, she is earning Rs.1.00 lac per month and she has concealed this fact in para No.29 of the petition under Section 125 Cr.P.C. The petitioner and respondent No.2 purchased a house jointly and as such, once it is joint property, both are liable to pay the EMI of Rs.43,076/-.

4. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner.

5. The object and purpose behind granting maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of failure of marriage. At the same time, a just and careful balance must be struck to ensure that this provision does not degenerate into a weapon to punish the other spouse. The Courts are required to conduct the



maintenance proceedings, while being alive to the legislative intent behind the provision under Section 125 Cr.P.C in its true spirit, which is to provide speedy assistance and social justice to women, children and infirm parents. The provisions of Section 125 Cr.P.C. were enacted as a measure to further social justice and protect dependent women, children and parents, which also fall within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India.

6. A three-Judge Bench of the Hon'ble Supreme Court in ***Vimala (K.) Vs. Veeraswamy (K.) (1991) 2 SCC 375***, speaking through Justice Fatima Beevi, opined as follows:

“3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing, and shelter to the deserted wife.”

7. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria Vs. State of Gujarat (1996) 4 SCC 479***, speaking through Justice Faizan Uddin, opined as follows:

“15.... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is



that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.”

8. A perusal of the impugned order indicates that at this stage, no maintenance has been awarded to the respondents and learned Family Court has only directed employer of the petitioner to ensure that the amount of EMI is deposited in the loan account till the next date of hearing i.e. 28.05.2024. The parties are yet to prove their respective claims by adducing the evidence and maintenance, if any, is yet to be awarded by learned Family Court. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order, which warrants interference by this Court. Accordingly, present petition is dismissed being bereft of any merit.

9. All the pending miscellaneous application(s), if any, shall also stand disposed of.

10. Learned Principal Judge, Family Court, Gurugram is directed to decide the question of interim maintenance in the petition under Section 125 Cr.P.C. filed by the respondents, seeking maintenance for herself and minor daughter, expeditiously, in accordance with law.

[HARPREET SINGH BRAR]
JUDGE

20.05.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No