

**CRM-24747-2024 in/and
CRR(F)-806-2024
Reserved on : 16.07.2024
Pronounced on : 17.07.2024**

...PETITIONER

...RESPONDENTS

**CRM-24747-2024 in/and
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and have two sons. The parents i.e. respondents No.1 and 2, do not have any independent source of income in order to maintain themselves. The petitioner has also refused to maintain respondents i.e. his parents. Unable to maintain themselves, they moved an application under Section 125 Cr.P.C. seeking maintenance allowance from their son, namely Dharampal-the petitioner. The said claim was contested by the petitioner and a reply was filed. After assessing all the material available on record, the learned Family Court, vide order dated 17.05.2023, granted Rs.2,000/- per month as maintenance to respondents No.1 and 2 each, payable by the petitioner. Aggrieved by the same, petitioner has approached this Court, seeking setting aside of the impugned order.

CONTENTIONS

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is working as a labourer and is earning Rs.12,000/- per month. Learned counsel further submits that dispute is not between the petitioner and his parents, however, real dispute is between the petitioner and his elder brother. Even at the instance of the elder brother of the petitioner, the respondents filed a civil suit for mandatory injunction. Moreover, the petitioner has two daughters and one son and all of them are minor and all of them are totally dependent on the petitioner. Therefore, it is very difficult to pay Rs.4,000/- per month as maintenance.

OBSERVATIONS AND ANALYSIS

4. I have heard learned counsel for the petitioner and perused the record of the case with his able assistance.

5. The object and purpose behind granting maintenance is to ensure that the dependent spouse/parent is not reduced to destitution or vagrancy. At the same time, a just and careful balance must be struck to ensure that the



provision of Section 125 Cr.P.C. does not degenerate into a tool of punishment.

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 provision of Section 125 Cr.P.C. was enacted as a measure to further social justice and protect dependent women, children and parents, which also falls 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 records indicates that petitioner-Dharampal is earning Rs.15,000/- per month. Being son of respondent No. 1 and 2, he is duty bound to maintain his parents, who are unable to maintain themselves on account of old age.

CONCLUSION

9. A perusal of the impugned order indicates that the learned Family Court has duly considered the facts of the case as well as the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 at the time of granting maintenance to the respondents. A careful and just balance has been drawn, keeping in view the spiralling inflation rates and high cost of living corresponding to the reasonable needs of the respondents. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

Reserved on : 16.07.2024
Pronounced on : 17.07.2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |