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

**CRR(F)-1248-2023 (O&M)
Date of Decision: 21.05.2024**

RAMAN ALIS RAMANDEEP

.....PETITIONER

Vs.

POOJA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Pradhuman Krishan , Advocate, for
Mr. Lupil Gupta, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

CRM-18254-2024

1. By this application, the applicant-petitioner seeks permission to place on record his affidavit, in compliance of the order dated 15.04.2024 passed by this Bench, as Annexure A-1 with the accompanying petition.

2. The application is allowed. The aforesaid affidavit is taken on record as Annexure A-1 with the accompanying petition, subject to all just exceptions. Office to tag the same at appropriate place.

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1. The present Criminal Revision Petition has been filed for quashing the order dated 05.07.2023, passed by the learned Principal Judge, Family Court, Hisar, whereby an interim maintenance of ₹9,000/- and ₹3,000/- per month was granted to respondent No. 1-wife and respondent No. 2-minor child, respectively, in a petition under Section 125 Cr.P.C.

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2. Learned counsel for the petitioner *inter alia* contends that the petitioner is an unemployed person. Respondent No. 1-wife has willfully left her matrimonial home.

2.1 He further submits that the Family Court, Hisar, has not properly appreciated the evidence and facts on record while awarding maintenance to the respondents. The maintenance amount awarded by the Family Court, Hisar, is excessive and on a higher side whereas, the earning of the petitioner is meager, as such, prayer has been made for setting aside the order passed by the Family Court.

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

4. I have heard learned counsel for the petitioner and have gone through the paper-book carefully.

5. The relationship *inter se* the parties is not disputed. The petitioner is having one minor child also, who is in the custody of respondent No. 1-wife. The Family Court has observed that the petitioner-husband has alleged in the affidavit that his monthly expenses are ₹10,000/- and he is having no income. However, he has further alleged that he is paying EMIs of home loan of ₹12,328/- per month. The Family Court has observed that the petitioner-husband spends approximately ₹22,328/- per month and it is not believable that he makes the said expenditure without having any income, as such, the Family Court has presumed the income of the petitioner as ₹22,000/- per month. Considering the said monthly income, respondent No. 1-wife and respondent No. 2-minor child have been awarded a sum of ₹9,000/- and ₹3,000/- per month, respectively, as interim maintenance during



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the pendency of the petition filed under Section 125 Cr.P.C. on behalf of the respondents.

6. The petitioner has filed a copy of the affidavit (Anenxure A-1). The said affidavit executed by the petitioner confirms the fact that the petitioner is 33 years of age. He is B.Tech qualified and he has alleged that his monthly expenses are ₹10,000/- per month, apart from the payment of the monthly installments of ₹12,328/-. The petitioner has not placed on record any document reflecting that respondent No. 1-wife is earning.

7. 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.

8. In such circumstances, there is no irregularity or illegality in the impugned order passed by the learned Family Court.

9. Consequently, the present Criminal Revision Petition is devoid of any merits and is accordingly dismissed.

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

May 21, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No