



256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53817-2021 (O&M)
Date of decision: 25.07.2024

JARNAIL SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jagdeep Kaur, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Ms. Sukhveer Kaur, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. The present criminal miscellaneous petition has been filed under Section 482 of Cr.P.C. seeking quashing of petition filed by respondent No. 2 under Section 125 of Cr.P.C. pending before learned Principal Judge, Family Court, Gurdaspur.

2. Brief facts of the case are that petitioner and respondent No. 2 lived together and cohabited as husband and wife at village Naushera and out of their wedlock, two children namely Harleen Kaur and Parmeet Singh were born. However, matrimonial dispute ensued between the couple and respondent No. 2 filed a petition under Section 12 of Domestic Violence Act 2005 along with application under Section 125 Cr.P.C. seeking maintenance. The petitioner filed a reply and contested the claim made by the respondent. The learned Family Court vide order dated 06.07.2021 granted interim relief by awarding Rs. 4,000/- per month in favour of respondent No. 2-wife, and Rs. 2,000/- per month each to minor daughter and son, under Section 12 of



Protection of Women from Domestic Violence Act 2005 and the petition under Section 125 Cr.P.C. is also pending before the learned Principal Judge, Family Court, Gurdaspur. Aggrieved by the same, the petitioner has approached this Court by filing the present revision petition.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is mainly aggrieved against the impugned order dated 06.07.2021 as the maintenance awarded under the provisions of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'Act') to respondent No. 2-wife should have been adjusted by the learned Family Court in view of the ratio of law laid down in '**Rajnesh v. Neha and another**' (2021) 2 SCC 324'. The Apex Court has categorically held that any maintenance amount being paid in collateral proceedings is required to be set off while ascertaining the amount of maintenance in subsequent proceedings. It was lastly contended that in view of guidelines issued in **Rajnish (supra)**, any maintenance being paid to wife under any proceedings is required to be set off while determining the amount of maintenance under Section 125 Cr.P.C. by learned Family Court.

4. Learned counsel for respondent No. 2 submits that respondent No. 2 is getting Rs. 4,000/- per month from the petitioner as maintenance under the provisions of the Act and Rs. 2,000/- each has been awarded in favour of two minor children and application under Section 125 of Cr.P.C. seeking maintenance to respondent No. 2-wife and minor children is still pending before the Family Court below.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, the matter is taken up for disposal.

6. In view of the facts and circumstances of the present case, learned

Family Court, Gurdaspur is directed to adjust the amount of maintenance allowance awarded under the ‘Act’ or any in any other collateral proceedings, at the time of awarding maintenance allowance under Section 125 Cr.P.C.

7. The present petition stands disposed of accordingly.
8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

25.07.2024

Ajay Goswami

(HARPREET SINGH BRAR)

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