



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR(F)-1077-2022 (O&M)
Date of Decision: 16.09.2024

Anju Devi and another Petitioners

Versus

Akshay Sharma Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajbir Singh, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Ashish Yadav, Advocate
for the respondent.

NIDHI GUPTA, J.

Prayer in the present petition filed by the wife and minor child is for modification of the order dated 21.09.2022 passed by learned Additional Principal Judge, Family Court, Gurugram whereby in a petition under section 125 Cr.P.C. bearing CIS Case No. MNT-111 of 2021 titled as ‘Anju Devi and another vs. Akshay Sharma’, the petitioners have been granted **interim maintenance** of Rs.16,000/-p.m. (Rs.8,000/-p.m. to each of the petitioners) from the date of filing of application.

Learned counsel for the petitioner submits that the respondent is a rich man who is earning around Rs.67,000/- p.m., whereas the petitioner No.1 is not working and has no source of income. Petitioner No.1 also has the additional responsibility of the minor child/petitioner No.2. The impugned maintenance is insufficient in today’s expensive times. It is accordingly



prayed that the present petition be allowed, and the impugned judgment is set aside.

Per contra, learned counsel for the respondent-husband vehemently opposes the prayer made on behalf of the petitioner and submits that the petitioner is very well qualified being a JBT Teacher. It is contended that it has been incorrectly stated by the petitioner No.1 that she is not working, as she is teaching in a school. It is accordingly prayed that the present petition be dismissed.

No other argument is raised by learned counsel for the parties.

I have heard learned counsel for the parties as also perused the case file in great detail.

Perusal of the record of the case shows that petitioner No.1 was married to the respondent on 21.01.2019. Petitioner No.2 was born out of their wedlock on 19.04.2020. Due to matrimonial discord, the parties started living separately on 03.01.2020. The present petition under Section 125 Cr.P.C. is filed by the petitioner on 11.10.2022 (Annexure P-1). The petitioner No.1 had filed an application No. 03 to the SHO Women Police Station Manesar against the respondent. However, the said matter was got compromised.

It is the contention of the petitioners that respondent is serving in the Indian Navy and getting handsome salary of about Rs.67,000/- p.m. It is the contrary contention of the learned counsel for the respondent that the petitioner is also able-bodied, and she is working as JBT Teacher in a school.

It is by now a settled trend that in matters of maintenance such as the present one, the husband tries to depict his income on the lower side,



whereas the wife attempts to show an exaggerated income of the husband. The truth lies somewhere in between. However, these are all matters of evidence. The truth or otherwise of the allegations and counter-allegations made by both the parties can only be determined upon leading of evidence. As such, at this stage it is neither desirable nor feasible for this Court to return a finding in respect of the contrary assertions made by either of the parties. However, it is no longer *res integra* that the grant of interim maintenance is a temporary measure of social justice to help the abandoned wife and children to tide over the difficult period. Section 125 Cr.P.C. is a measure of social justice to protect abandoned wife, children and parents from vagrancy and destitution. In “**Kirtikant D. Vadodaria v. State of Gujarat & Another**” (1996) 4 SCC 479, the Hon’ble Supreme Court has 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...”

Again, a three-Judge Bench of the Hon’ble Supreme Court in “**Vimala (K.) v. Veeraswamy (K.)**” (1991) 2 SCC 375, speaking through Justice Fatima Beevi, held 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...”



Thus, the purpose of Section 125 Cr.P.C. is to protect abandoned wives *who are unable to maintain themselves* from vagrancy and destitution. It has not been denied by learned Counsel for the petitioners that petitioner no.1 is a qualified JBT teacher. In view of the same, no ground is made out to interfere in the impugned order, or enhance the interim maintenance so granted to the petitioners.

The present petition, accordingly, stands **dismissed**.

Pending application, if any, stands disposed of.

16.09.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No