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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-1342-2024 (O&M)

Date of decision: 23.10.2024

Abhinav Singh

... Petitioner

Vs.

Moninder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neetu Singh Aashat, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the impugned order dated 08.08.2024 passed by learned Additional Principal Judge, Family Court, Ludhiana, vide which the application filed by the petitioner seeking dismissal of the petition under Section 125 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), filed by the respondent, was dismissed.

2. The marriage between the petitioner and the respondent was solemnized on 26.09.2022 according to Sikh rites and rituals. Out of this wedlock, no child was born. However, matrimonial dispute ensued between the couple and the respondent filed a petition under Section 125 Cr.P.C.



seeking maintenance of Rs.50,000/- per month and the petitioner filed an application seeking dismissal of the said petition. The learned Family Court, vide impugned order dated 08.08.2024, dismissed the application filed by the petitioner seeking dismissal of the petition under Section 125 Cr.P.C. 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 petitioner approached learned Family Court for dismissal of the petition filed by the respondent under Section 125 Cr.P.C. on the ground that the proceedings have been instituted by the respondent on false and frivolous grounds. The respondent claimed herself to be having no source of income. However, she has concealed her qualification as well as the fact that she is working as Assistant Professor and is also earning handsomely by giving tuition and being an able-bodied person, she has the potential to maintain herself. The petition under Section 125 Cr.P.C. has been instituted only to extort money from the petitioner and his family members. The police complaints filed by the respondent have been thoroughly investigated by the investigating agency and veracity of the allegations were found to be false during the inquiry. It is further contended that the falsity of the claim made by the respondent is clearly discernible from the facts of the case, as such, the petition under Section 125 Cr.P.C. is liable to be rejected being not maintainable.



4. Having heard learned counsel for the petitioner and after perusing the record with her 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. Another objective the legislature has sought to achieve by this provision is to provide maintenance *pendente lite* to the applicant spouse during proceedings emerging out of matrimonial disputes so that she/he can maintain herself/himself, have sufficient funds to pursue the litigation, and not suffer at the instance of the affluent spouse.

9. A perusal of the record indicates that in spite of issuance of notice, the petitioner has not filed the reply. Further, at the initial stage, he filed an application seeking dismissal of the petition under Section 125 Cr.P.C. filed by the respondent. The parties are yet to complete their pleadings and lead the evidence in support of their respective claims. All the issues raised by the petitioner are matter of trial and the same can only be appreciated on the basis of evidence to be adduced by the parties. No



prejudice has been caused to the petitioner, as learned Family Court has granted liberty to him to raise the pleas taken in the application seeking dismissal of the petition under Section 125 Cr.P.C. by filing the reply, which is yet to be filed.

12. In view of the above, this Court finds no perversity or illegality in the impugned order, which warrants interference by this Court. Accordingly, the present petition is dismissed being bereft of any merit.

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

14. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned Family Court shall proceed without being prejudiced by observations of this Court.

23.10.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No