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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12838-2025 (O&M)

Date of Decision:20.03.2025

Jiwan Singh

....Petitioner

Versus

Sandeep Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Hissowal, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing/modification of impugned order dated 14.08.2019 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Sangrur vide which maintenance of Rs. 10,000/- per month has been granted to the respondent-wife.
2. The impugned order in the present petition is dated 14.08.2019 and has been challenged after more than 5 years wherein maintenance of Rs.10,000/- per month has been granted to the respondent-wife under Section 125 of the Code of Criminal Procedure.
3. Learned counsel appearing on behalf of the petitioner submitted that the respondent-wife had filed a petition under Section 125 of the Code of Criminal Procedure for grant of maintenance and in fact she herself deserted the petitioner and withdrew from the society of petitioner and thereafter, she had filed a petition under Section 125 of the Code of Criminal Procedure for grant of maintenance. He submitted that the petitioner is working as a Sepoy in



the Indian Army and his income is around Rs. 28,000/- per month and he also has to maintain his parents and therefore, the aforesaid amount of maintenance of Rs.10,000/- per month was not in accordance with law. He also submitted that the respondent-wife had also been working and she is well educated lady having qualification of M.A and that aspect was also not considered by learned Additional Chief Judicial Magistrate, Sangrur.

4. I have heard the learned counsel for the petitioner.

5. Before proceeding on the submissions made by learned counsel for the petitioner, there are two important aspects in the present case. Firstly, the impugned order has been passed by learned Additional Chief Judicial Magistrate, Sangrur and the petitioner has not availed the remedy of assailing the impugned order which was passed by the learned Additional Chief Judicial Magistrate, Sangrur before learned Sessions Court and he has straightway come to this Court by filing a petition under Section 528 of BNSS and secondly, the impugned order is of the year 2019 and the present petition has been filed seeking quashing of the impugned order without invoking the alternate remedy after more than 5 years and there is no justification for such a delay.

6. A perusal of the impugned order would show that the petitioner is working as Sepoy in the Indian Army and in his cross-examination, he has so admitted that he is having a monthly salary of about Rs. 30,000/- to Rs. 35,000/- per month but he also has to maintain his parents. On the other hand, the respondent-wife is shown to be having no income. It was so alleged by the petitioner before learned Additional Chief Judicial Magistrate, Sangrur that the respondent-wife earlier worked for five years but there is nothing on the record to show that she has any source of income on the date when the aforesaid order was passed. The amount of maintenance which has been fixed



is only Rs. 10,000/- per month, whereas the income of the petitioner is admittedly between Rs. 30,000/- to Rs. 35,000/- per month which was at the time when the impugned order was passed in the year 2019 and now with the efflux of time i.e. after about 5 years his income ought to have been increased substantially.

7. After hearing the learned counsel for the petitioner and considering the delay aspect as well as the non-invoking of the alternate remedy no illegality or perversity can be found and there is no scope of intervention by this Court in the present petition.

8. Consequently, the present petition is dismissed.

20.03.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No