



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

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CRM-M-24480-2025
Date of decision : 06.05.2025

Kulvir SinghPetitioner

versus

Manpreet Kaur and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ramandeep Singh Brar, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 16.12.2024 (Annexure P-5) passed by learned Principal Judge, Family Court, Bathinda in case bearing No.MNT/203/2022 titled as 'Manpreet Kaur Vs. Kulvir Singh', whereby the application filed by respondent No.1 for amendment in the application under Section 125 of Cr.P.C. and addition of facts, which arose after filing the said application, has been allowed.

2. Brief facts of the case, as have been pleaded in the instant petition, are that the marriage between the petitioner and respondent No.1 was solemnized on 07.03.2015 in a simple manner as per Sikh rites, customs and ceremonies. Out of the said wedlock, one child (respondent No.2) was born on 01.04.2016. After the birth of respondent No.2, respondent No.1 lodged an FIR No.19 dated 21.05.2022 under Sections 498-A, 406, 323, 109 & 34 of Indian Penal Code, 1860 at

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Police Station Women Cell, Bathinda with the allegations that the petitioner and his family gave beatings to her on the pretext of demand of dowry. Thereafter, the petitioner and his parents were granted concession of anticipatory bail by learned Additional Sessions Judge, Bathinda vide order dated 30.06.2022. While deciding the anticipatory bail application, a joint statement was suffered by the petitioner and respondent No.1 before learned Additional Sessions Judge, Bathinda, by stating that the matter has been amicably resolved and they have decided to reside peacefully as husband and wife at Mansa along with their minor son. Meanwhile, respondent No.1 had also filed petition under Section 125 of Cr.P.C. on 04.06.2022 for grant of maintenance allowance but inspite of living with the petitioner, respondent No.1 did not withdraw the petition under Section 125 of Cr.P.C., in which notice was issued to the petitioner by learned Principal Judge, Family Court, Bathinda and he had submitted his reply to the said petition. Thereafter, respondent No.1 has moved an application for amendment and addition of facts in the application under Section 125 of Cr.P.C. which has been allowed by learned Principal Judge, Family Court, Bathinda vide impugned order dated 16.12.2024. Hence, the present petition.

3. Learned counsel for the petitioner submits that the application filed by respondent No.1 for amendment and addition of facts in the application under Section 125 of Cr.P.C. is not maintainable at the stage when arguments on interim maintenance application have already been heard. The petitioner had already filed reply to the application filed by respondent No.1 for grant of interim maintenance



under Section 125 of Cr.P.C. and instead of filing replication to the reply of the petitioner, respondent No.1 filed an application for amendment and addition of facts in the application filed under Section 125 of Cr.P.C. which clearly shows the mala fide intention of respondent No.1. Further, it is contended that respondent No.1 cannot take the benefit of her own lapses/omissions at this stage and to fill in the lacuna in her application in this manner. Therefore, the impugned order dated 16.12.2024 passed by learned Principal Judge, Family Court, Bathinda, deserves to be set aside.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, respondent No.1 lodged an FIR No.19 dated 21.05.2022 under Sections 498-A, 406, 323, 109 & 34 of Indian Penal Code, 1860 at Police Station Women Cell, Bathinda against the petitioner and his family with the allegations that she has been subjected to beatings on the pretext of demand of dowry. Thereafter, the petitioner and his parents filed an application for grant of anticipatory bail and during the pendency of the bail application the parties had compromised the matter. After which, the anticipatory bail filed by the petitioner and his parents was allowed by learned Additional Sessions Judge, Bathinda vide order dated 30.06.2022. Thereafter, the parties started residing happily in a rented accommodation at Mansa away from the matrimonial home of respondent No.1. However, after sometime, again disputes arose between them and respondent No.1 along with her son left the company of the petitioner. Since the application for grant of



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interim maintenance under Section 125 of Cr.P.C. was filed by respondent No.1 on 04.06.2022 i.e. prior to the grant of anticipatory bail to the petitioner, therefore, the events that took place between the parties after that could not be mentioned in the said application, therefore, there is no lapse on the part of respondent No.1.

6. Further, respondent No.1 filed an application for amendment in the application filed under Section 125 of Cr.P.C. just to add the events which arose between the parties from the date of filing of application under Section 125 of Cr.P.C. i.e. 04.06.2022 to the date of filing the amendment application i.e. 24.09.2024 and learned Principal Judge, Family Court, Bathinda after considering the reply filed by the petitioner to the amendment application, allowed the said application, vide impugned order dated 16.12.2024.

7. Furthermore, perusal of impugned order shows that the case is at initial stage and both the parties are yet to lead their respective evidence and by allowing the application filed by respondent No.1 for amendment in the application under Section 125 of Cr.P.C., no prejudice would be caused to the petitioner.

8. In ***Ganga Bai Vs. Vijay Kumar : AIR 1974 SC 1126***, Hon'ble Supreme Court has rightly observed that :-

"The power to allow an amendment is undoubtedly wide and may at any stage be appropriately exercised in the interest of justice, the law of limitation, notwithstanding. But the exercise of such for reaching discretionary powers is governed by judicial considerations, and wider discretion, greater ought to be the care and circumspection on the part of the Court."



9. Further, it is a well settled proposition of procedural laws that “amendment of the pleadings can be allowed at any stage in the legal proceedings”, however, “the amendment in question must be necessary to determine the ‘real question of controversy’ and “in case, any amendment is carried out by a party, post the commencement of the trial, the trial Courts must, while granting such leave to amend, ought to come to a conclusion that, such an amendment could not have been carried out prior to that particular point of time, when the same was actually brought” and “the proposed amendment must not alter the original cause of action or introduces new cause of action”.

10. In the present case also, while allowing the amendment application vide impugned order dated 16.12.2024, neither the original cause of action has been altered nor new cause of action has been introduced, since the claimed maintenance amount i.e. Rs.40,000/- p.m. alongwith litigation expenses of Rs.11,000/- in the both the applications i.e. 1st application for maintenance dated 04.06.2022 as well as amended application dated 24.09.2024 is same and, moreover, the events, which took place between the parties after grant of anticipatory bail of the petitioner, could not have been carried out in the first application for grant of maintenance, which are now necessary to adjudicate and determine the ‘real question of controversy’.

11. Since, ‘the power to allow an amendment is undoubtedly wide and may at any stage be appropriately exercised by the trial Court in the interest of justice’ and ‘the procedural law is intended to facilitate and not to obstruct the course of substantive justice’, therefore, this



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Court is of the considered opinion that there is no irregularity and any ground to interfere with the impugned order dated 16.12.2024 passed by learned Principal Judge, Family Court, Bathinda.

12. Dismissed in limine.

06.05.2025

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(NAMIT KUMAR)
JUDGE

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