



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

(121)

**CRR(F) No. 1304 of 2025 (O&M)
Date of Decision: 08.9.2025**

Anu Bala

.....Petitioner

Versus

Nishant Singh (minor) through his
grandfather Gurnam Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sunil Polist, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present petition has been preferred against order dated 19.8.2025 passed by learned Principal Judge (Family Court), Ambala, in a petition filed by the respondent under Section 125 of the Cr.P.C., whereby interim maintenance to the tune of Rs. 7,000/- per month was awarded in favour of the respondent.

2. The brief facts of the case are that the marriage between the petitioner and Manjit Singh (father of the minor) was solemnized on 30.5.2010. Out of the said wedlock, a child (the minor herein) was born on 25.2.2011, who is presently residing under the care and custody of his grandfather. Subsequently, a matrimonial discord occurred between the couple, leading to registration of FIR No. 118 dated 18.12.2019 under Sections 406, 498-A, 506, 34 IPC by the petitioner against her husband and other family members. The petitioner also filed a petition under Section 125 Cr.P.C. and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and the said cases are pending adjudication



before the learned Court concerned. Thereafter, the minor through his grandfather filed a petition under Section 125 Cr.P.C. for seeking maintenance, which was duly contested by the petitioner. The learned Family Court vide order dated 19.8.2025 granted interim maintenance to the tune of Rs. 7,000/- per month in favour of the respondent. Aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned counsel for the petitioner contends that the learned Family Court concerned has allowed the maintenance to the respondent on a very higher side. It is infact the petitioner's husband Manjit Singh, who in collusion with his family members, has got filed the petition under Section 125 Cr.P.C. on behalf of the minor, just to harass the petitioner. Further, Manjit Singh has been proceeded against ex parte in the petition under Section 125 Cr.P.C. as well in the complaint under Section 12 of the Protection of Women from Domestic Violence Act and has even been declared a proclaimed person in the FIR filed by the petitioner. However, the learned Family Court has failed to consider the said fact. It is further submitted that the learned Family Court has also wrongly considered that the father of the minor-respondent is missing, and placed undue reliance on the fact that the petitioner is an MBA and in the year 2019, was working in a company at a salary of Rs. 4.5 lac per annum. It is submitted that the petitioner is jobless since 12.10.2021, and has been living on the mercy of her parents, whereas the grandparents of the minor-respondent are having good source of income, as they have been getting a pension of Rs. 30,000/- per month. It has also been submitted that the instant petition under Section 125 Cr.P.C. has been filed at the behest of the husband of the petitioner to pressurize her to effect a compromise in the matrimonial litigations. Thus, in view of these submissions, the respondent is not entitled for any further



maintenance amount from the petitioner.

4. The present petition is being decided in *limine* in order to save litigation cost of the respondent and also to save the judicial time of the Court. Having heard the learned counsel for the petitioner, and after perusing the record, this Court does not find any merit in the submissions so advanced.

5. The object and purpose behind granting maintenance is to ensure that the dependent spouse and children are not reduced to destitution or vagrancy on account of failure of marriage or any other unfortunate circumstance. Provisions of interim maintenance pending adjudication of the application under Section 125 Cr.P.C. is a way of granting immediate relief to the aggrieved. 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.) v. Veeraswamy (K.) (1991) 2 SCC 375***, speaking through Justice Fatima Beevi, opined that 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. A two-Judge Bench of the Hon'ble Supreme Court in ***Kirtikant D. Vadodaria v. 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. The rival claimants must scrupulously bring on record their actual respective earning capacities in order for the Court to arrive at quantum of maintenance which is just and fair in terms of principle of equistatus. The quantum of maintenance must be justifiable and realistic to provide succour to the dependent spouse and also to avoid occurrence of the two extremes of the maintenance being either paltry or extravagant, ensuring that neither of the two is reduced to a life of penury. The adequacy of the maintenance allowance has to be determined by the yardstick of the dependent spouse and children being able to lead a life of reasonable comfort.

9. While dealing with the issue of maintenance in extenso, a two Judge bench of the Hon’ble Supreme Court in ***Rajnesh v. Neha and another (2021) 2 SCC 324***, laid down the criteria for determining quantum of maintenance and issued the following directions:

“VI Final Directions

130. In view of the foregoing discussion as contained in Part B -I to V of this judgment, we deem it appropriate to pass the following



directions in exercise of our powers under Article 142 of the Constitution of India:

(a) Issue of overlapping jurisdiction

131. To overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in this regard, so that there is uniformity in the practice followed by the Family Courts/District Courts/Magistrate Courts throughout the country. We direct that:

- (i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount is to be awarded in the subsequent proceeding;*
- (ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;*
- (iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.*

(b) Payment of Interim Maintenance

132. The Affidavit of Disclosure of Assets and Liabilities annexed as Enclosures I, II and III of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country.

(c) Criteria for determining the quantum of maintenance

133. For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B III of the judgment.

134. The aforesaid factors are however not exhaustive, and the concerned Court may exercise its discretion to consider any other factor/s which may be necessary or of relevance in the facts and circumstances of a case.

(d) Date from which maintenance is to be awarded

135. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above. (e) Enforcement/Execution of orders of



maintenance 136. For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced under Section 28A of the Hindu Marriage Act, 1956; Section 20(6) of the D.V. Act; and Section 128 of Cr.P.C may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the CPC more particularly Sections 51, 55, 58, 60 r.w. Order XXI."

10. A perusal of the impugned order passed by the learned Family Court makes it evident that the Court below has duly considered the material placed before it at the time of deciding the application for maintenance. All the pleas raised herein had already been addressed in the impugned order wherein it was observed that despite the pendency of litigations between the parents, they cannot evade the responsibility of maintaining the minor child. It was further noted that since the father of the minor has been missing and is untraceable, therefore, the mother of the minor has a moral duty to maintain him. It was also recorded therein that the petitioner is a highly qualified and earlier she was working in a Company, and in the year 2019, had an income of Rs. 4.5 lacs per annum. Therefore, considering her qualification and her earning capacity, and keeping in view the tender age and relevant expenses of the minor including those on his education, the interim maintenance to the tune of Rs. 7,000/- was awarded to the minor. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which warrants interference by this Court. Even otherwise, it is only interim maintenance which has been awarded at this stage. The main petition under Section 125 Cr.P.C. for maintenance, which is yet to be adjudicated would be, goes without saying, decided after taking into account all the pleas raised and evidence advanced before the learned Court at the relevant time.

11. Accordingly, the present petition is dismissed being bereft of any merit. However, nothing contained herein shall have any bearing on the



merits of the case pending before the learned Family Court concerned.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

September 08, 2025
Gurpreet Singh

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