

**CRR(F)-498-2026 (O&M)****-1-****131****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR(F)-498-2026 (O&M)**

Date of decision: 02.04.2026

JASPREET SINGH**...PETITIONER****VERSUS****MANPREET KAUR AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Pankaj Bhardwaj, Advocate and
Mr. Navdeep Singh, Advocate
for the petitioner.

*********SHALINI SINGH NAGPAL J.****CRM-13777-2026**

Application under Section 528 BNSS has been filed for placing on record gross profit statement for the period 2023-24, 2024-25 and 2025-26 as Annexures P16, P17 and P18. Application is allowed and Annexures P16, P17 and P18 are taken on record, subject to all just exceptions.

CRR(F)-498-2026 (O&M)

1. The revision petition impugnes judgment dated 26.02.2026 of learned Principal Judge, Family Court, Amritsar, vide which maintenance of Rs.27,500/- per month was awarded to the respondent-wife and Rs.17,500/- per month to minor child.

2. For clarity and better appreciation, the parties shall be referred to as husband, wife and minor child.

3. Learned counsel for the petitioner submits that petitioner was married with respondent No.1 on 15.07.2011 as per Sikh rites and rituals at

Amritsar. Respondent No.2 was born out of the wedlock on 25.11.2012. In

the petition under Section 125 Cr.P.C. filed by the wife, learned Principal Judge, Family Court, Amritsar arbitrarily awarded excessive amount of Rs.27,500/- per month to the wife and Rs.17,500/- to the child presuming income of the husband at Rs.2,00,000/- per month which was contrary to the income reflected in the Income Tax Returns. Further, learned Family Court adopted a unique methodology of assessing monthly income by adding the credit entries in the statement of account of ICICI Bank and State Bank of India and thereafter dividing it with the number of months completely overlooking the debit entries. The formula adopted by the Court to compute monthly income of the husband was perverse and was liable to be set aside. Learned Family Court also misread Rs.9,00,000/- in the statement of current account of Pritam Seeds as Rs.90,00,000/-. The award of maintenance was grossly exorbitant and beyond the reach of the husband, who would be on the roads if he was forced to pay the amount. The Court also wrongly assessed financial standing of the husband from his foreign trips, though his visit to Dubai was sponsored by M/s Giri Raj Seeds on achieving sale targets. Other visits were also for the purpose of business. The documentary evidence of Income Tax Returns was completely ignored as also the fact that the husband was living in rented accommodation and his monthly expenditure was Rs.73,000/- per month, including the amount he was incurring on maintenance of his aged mother. Learned Family Court also wrongly assessed financial worth of the husband from the fact that he had taken loan of Rs.70,00,000/-. It was argued that petitioner was required to arrange loans from time to time for his business which he had been paying up soon after sale of his stock. His loan liability could not be treated as strong financial position. Earning of the husband was only from the

commissions he was earning and the impugned order caused immense hardship to the husband.

4. The wife and the minor child aged 10 years filed the petition under Section 125 Cr.P.C. in the year 2022 averring that the parties were married on 15.07.2011 and the male child was born on 25.11.2012. Despite sufficient dowry given at the time of marriage, behaviour of the husband and his family members was not cordial. The wife was taunted for bringing insufficient dowry. Demands of dowry were raised. She was harassed, humiliated and turned out of the matrimonial home after beatings. Disputes were raised on trivial matters. All family members quarreled with her. The husband consumed intoxicants and thrashed her black and blue without any reason. He had illicit relations with many girls. Despite sufficient means, he resided in rental accommodation. He left the house on 20.04.2022 leaving the wife and the child alone without any source to maintain themselves. The child was studying in Spring Dale School and his quarterly fee alone was Rs.20,000/- apart from other expenditure on food, uniform, transportation etc. Rent of Rs.18,000/- was also to be paid. The husband was a man of means in wholesale dry fruit family business and was also a financier. His income was more than Rs.10,00,000/- per month. Maintenance of Rs.2,00,000/- per month was claimed besides litigation expenses of Rs.55,000/-.

5. The husband opposed the petition refuting all allegations of harassment, demand of dowry, ill-treatment etc. He claimed that the wife forced him to live separately from his family and to ask for partition of family property. In compelling circumstances, he agreed to live with her in a separate house and his relationship with his parents was severed. The wife

picked up quarrels on petty issues and her parents interfered in their family life. On 20.04.2022, her parents came to his house, quarreled with him and threatened him with dire consequences. Rs.5,00,000/- cash lying in the almirah was retained by the wife. He was not allowed to take his Honda City car and was thrown out of the matrimonial home. The wife refused to take him back. Income of Rs.10,00,000/- per month was denied. Prayer was made for dismissal of the petition.

6. The wife examined herself as PW1 and Navdeep Singh as PW2 whereafter, she closed her evidence.

7. The husband examined himself as RW1, Tejpal Kaur as RW2 and Manmohan Sharma as RW3.

8. Learned Family Court, noticing the admission of the husband that he was earlier residing with the wife and the child and had started residing separately from 20.04.2022, has rightly observed that it was not the wife who left company of the husband but the opposite and thus held that the case did not fall under Section 125(4) Cr.P.C. The finding is based on correct appreciation and does not warrant interference. From the documentary evidence on record as also cross-examination of the husband, his income was assessed at Rs.2,00,000/- per month and maintenance allowance was assessed accordingly.

9. 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, observed as under:

“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.”

10. 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.”

11. There is neither any dispute regarding relationship of the parties nor with regard to occupation of the husband who runs a firm M/s Pritam Seeds Store in Amritsar. It is also not disputed that the wife is not employed and is not an earning hand. Much stress has been laid by learned counsel for the husband on the Income Tax Return acknowledgments Annexure P13, P14, P15 and P16 for the assessment year 2023-24, 2024-25 and 2025-26 wherein annual income of the petitioner has been reflected as Rs.4,27,690/-, Rs.8,99,570/- and Rs.8,87,810/-.

12. In **Kiran Tomar & Others Vs. State of Uttar Pradesh &**

Another, 2022 SCC Online SC 1539, Hon'ble Supreme Court has observed that income tax returns do not necessarily furnish an accurate guide of the real income, particularly, when parties are engaged in a matrimonial conflict, there is a tendency to underestimate income. Hence, it is for the Family Court to determine on a holistic assessment of the evidence what would be the real income of the second respondent so as to enable the appellants to live in a condition commensurate with the status to which they were accustomed during the time when they were staying together.

13. The argument that learned Family Court had erroneously assessed income of the husband by adding up the credit entries in the statements of accounts, ignoring the debit entries fails to impress. Learned Family Court has referred to the transactions in the 3 bank accounts of the petitioner, one pertaining to the proprietorship firm and the other two pertaining to individual accounts. The said statements of accounts relied upon by learned Family Court are on record as Annexure P3 to P11. The observation that the statements of accounts show volume of business of Pritam Seeds run by the petitioner is based on facts on record. The husband himself admitted that in the year 2023, he made a sale of Rs.15,00,000/- to Rs.20,00,000/- to M/s Giri Raj Seeds alone. He admitted that the current account of his firm had a balance of Rs.19,44,000/- in the year 2023. He claimed that he had obtained Rs.70,00,000/- as business loan from the market and was paying monthly interest of Rs.55,000/-. Neither the amount of Rs.70,00,000/- being business loan nor the monthly interest of Rs.55,000/- has been reflected in the affidavit of income, assets and liabilities. He admitted that his monthly expenditure of Rs.73,000/- did not include the payment of Rs.55,000/-.

14. Even though, the credit entry of Rs.9,00,000/- in the current account of Pritam Seeds in the month of August, 2023 has been erroneously mentioned as Rs.90,00,000/-, it does not appear that learned Family Court has misconstrued and misread evidence to wrongly assess income of the petitioner. Reference to the credit entries in the 3 statements of accounts has been made only to assess the extent and volume of business. Though actual income of the husband cannot be gauged from the statements of accounts, the regular and heavy cash flow in the accounts does reflect on the financial worth of the husband. The amount of loan which he has admitted and the monthly interest he paid on the loan even for a short period, would also show the expanse of his business activities. The husband admitted that between 2023 to 2025 he travelled to Dubai, Malaysia, Thailand and Turkey for his dry fruit business. The observation that foreign travel during litigation was strong indication of sound financial capacity is based on correct appreciation. The husband's written statement also admits that at the time he left the house, there was Rs.5,00,000/- lying in cash in his almirah. Clearly, the husband is a wealthy businessman and assessment of his income at Rs.2,00,000/- per month cannot be said to be exaggerated or on the higher side.

15. In fact, even in his affidavit of income, assets and liabilities on record as Annexure P1, he has disclosed his monthly income in Column No.F(3) to be approximately Rs.6,00,000/-. When confronted with the affidavit, learned counsel for the petitioner claimed that it was a typographical error. The explanation, however, is not convincing. The same income i.e. Rs.6,00,000/- per month is reflected in Column No.I(3) of the affidavit. In the wake of the husband's own disclosure in the affidavit of

income, assets and liabilities as also the overwhelming documentary evidence regarding the volume of his business activities and his travels abroad, the award of Rs.27,500/- to the wife and Rs.17,500/- to the child who should be living a life of dignity, commensurate to the status and income of the husband, cannot be said to be arbitrarily or illegal, warranting exercise in revisional jurisdiction.

16. The revision petition is dismissed.
17. Pending miscellaneous applications, if any, stand disposed of.

02.04.2026
Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No