



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

(106)

**CRR(F) No. 329 of 2025
Date of Decision: 02.09.2025**

Amarjeet Singh

.....Petitioner

Versus

Saroj Rani and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rohit Kumar, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

CRM-16993-2025

Allowed as prayed for subject to all just exceptions.

CRR(F)-329-2025

1. The present petition has been preferred against order dated 07.01.2025 passed by learned Principal Judge, Family Court, Sri Muktsar Sahib, whereby the application filed by the present petitioner under Section 127 of the Cr.P.C. seeking cancellation of maintenance allowance passed vide order dated 02.08.2022 was dismissed.

2. The brief facts of the case are that after a matrimonial dispute ensued between the petitioner and respondent No.1, and vide order dated 01.09.2011, respondents were awarded maintenance to the tune of Rs. 2,000/- per month (Rs. 1200/- per month to respondent No.1 and Rs. 800/- per month to respondent No.2) in the petition filed under Section 125 Cr.P.C. The said amount was then enhanced to Rs.3000/- per month to each of the respondents vide oprder dated 01.06.2012 by learned Addl. Sessions Judge,



Sri Muktsar Sahib in the revision petition preferred by the respondents. The said order passed by the Revisional Court was challenged before this Court vide CRR-2050-2012, whereby the petitioner was directed to pay Rs.2500/- and Rs.1500/- per month to respondent Nos.1 and 2 respectively from the date of filing the application till 30.09.2010, and thereafter, an enhanced sum of Rs.4000/- and Rs.2000/- per month respectively to the respondents.

3. In the year 2017 respondents moved application under Section 127 of Cr.P.C. seeking further enhancement of maintenance allowance, during the pendency of which a compromise took place between the parties, and as per the terms of the same, the petitioner was to pay Rs.7,000/- per month to respondent No.1 and Rs.4,000/- per month to respondent No.2 as maintenance. Thus, the said application was decided vide order dated 02.08.2022. Subsequently, the petitioner filed an application seeking cancellation of the maintenance awarded to the respondents vide order dated 02.08.2022, which was dismissed by the learned Family Court vide impugned order dated 07.01.2025. Aggrieved by the same, the petitioner has approached this Court by way of the present revision petition.

3. Learned counsel for the petitioner contends that after the passing of the order dated 02.08.2022 as per which the quantum of maintenance to be paid to the respondents was fixed in view of the compromise arrived at between the parties, it came to the knowledge of the petitioner that respondent No.1 was working as a hostel warden on contractual basis and receiving a salary of Rs.25,000/- per month, which fact was concealed at the time of the final adjudication. It is submitted that the petitioner had agreed to the compromise being unaware of the employment status of respondent No.1. As soon as this fact was discovered, the application under Section 127 Cr.P.C. was moved by the petitioner seeking



cancellation of the maintenance awarded to the respondents, but the same was wrongly dismissed by the learned Family Court by passing the impugned order. It is submitted that even otherwise, respondent No.2 has attained the age of majority and is therefore not entitled to receive maintenance.

4. The present petition is being decided in *limine* in order to save litigation cost of the respondents 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. 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,



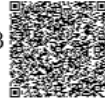
clothing, and shelter to the deserted wife.”

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 ***Rajnish 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 -1 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 filed by the petitioner under Section 127 Cr.P.C. It was observed in the impugned order that the application filed by the respondents under Section 127 Cr.P.C. was decided on 02.08.2022, and the maintenance awarded to the respondents was enhanced to Rs.11,000/- month in *toto*, as agreed by virtue of the compromise arrived at between the parties. Further it was noted that respondent No.1 had admitted to have been working on a contractual basis and earning a salary of Rs.23,000/- per month. The Court went on to observe that not only in the reply filed by the petitioner in the application under Section 127 Cr.P.C. moved by the respondents, but also while appearing as a witness in the Court, the petitioner had admitted that his wife had been doing service in 'Pearl Company', and that information about her present service was not in his knowledge. Furthermore, the petitioner had admitted that he had entered into a compromise with the respondents voluntarily, and the same was not a result of any undue influence, coercion or misrepresentation. It was thereafter that the learned Family Court, on a cumulative circumspection of the entire judicial record, held that the petitioner was well



aware of the fact that respondent No.1 was working, and thus dismissed his application seeking cancellation of the maintenance awarded in favour of the respondents. Learned counsel for the petitioner has not been able to indicate any perversity in the impugned order which would warrant interference by this Court.

11. Accordingly, the present petition stands dismissed.

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

(KIRTI SINGH)
JUDGE

September 02, 2025

Ithlesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No