



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

122

CRM-M-22523-2025 (O&amp;M)

Date of Decision: 06.05.2025

Ajay Sehrawat

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present:- Mr. Sandeep K. Tada, Advocate for the petitioner.

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**KIRTI SINGH, J.(Oral)**

1. This petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed for quashing/setting aside the order dated 19.04.2025 (Annexure P-7), whereby the petitioner was arrested and sent to civil imprisonment due to his default in paying the maintenance amount of ₹15,000/-, as granted by the learned Additional Principal Judge, Family Camp Court, Gurugram, vide order dated **03.02.2023** (Annexure P-3) in favour of respondent No.2-wife in case **MNT No. 506 of 2019**, titled "*Jyoti Sehrawat vs. Ajay Sehrawat*", filed under Section 125 Cr.P.C.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and respondent No.2 was solemnized in the year 2017. Subsequently, owing to the matrimonial disputes between the parties, the petitioner filed a divorce petition under Section 13 of Hindu



Marriage Act, 1955 (for short hereinafter referred to as 'the Act'); while the respondent-wife filed an application under Section 24 of the Act wherein she was granted maintenance amount of Rs.10,000/- vide order dated 23.12.2021. Thereafter, an application for maintenance was also moved by the respondent-wife under Section 125 Cr.P.C. seeking maintenance and litigation expenses, which was allowed by the learned Family Court, which, vide its order dated 03.02.2023, granted ₹15,000/- per month as notional house rent over and above the maintenance amount of Rs.10,000/- which the petitioner was already paying to the respondent-wife.

3. Learned counsel submits that the maintenance amount under Section 125 Cr.P.C. was wrongly computed by considering that the respondent is leading a high standard life, since he had erroneously mentioned his status as high in his income affidavit, whereas in actuality the income of the petitioner is only Rs.14,500/- per month. The petitioner-husband filed a revision petition before this Court bearing **CRR(F)-433-2023** challenging the said order, which was disposed of vide order dated 22.03.2023, directing the learned Additional Principal Judge, Family Camp Court, Gurugram to decide the petitioner's application, if any, for correction of the affidavit of assets, income, and expenditure filed in case **MNT No. 506 of 2019**. However, it is submitted that the said application has not been decided by the Family Court till date. In fact, without complying with the said order and deciding on the application filed by the petitioner in that regard, he was ordered to be sent to civil imprisonment



by the learned Principal Judge, Family Court, Gurugram vide order dated 19.04.2025

4. Notice of motion.

5. At the asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State and submits that the learned Family Court has rightly passed the impugned order dated 19.04.2025, considering the facts and circumstances of the case. She has supplied a copy of the custody certificate, which is taken on record. A perusal of the custody certificate reveals that the petitioner has undergone actual custody for 16 days, and no other case is registered against him.

6. I have heard the learned counsel for the petitioner and perused the case file.

7. In view of the submissions made by learned counsel for the petitioner that the petitioner had erroneously marked his income as high in the affidavit submitted in the maintenance case, application for correction of which is yet to be decided, this Court deems it appropriate to set aside the order dated 19.04.2025 (Annexure P-7), whereby the petitioner was arrested and sent to civil imprisonment for defaulting on the maintenance amount of ₹15,000/-, granted by the learned Additional Principal Judge, Family Camp Court, Gurugram.

8. Accordingly, the order dated 19.04.2025 (Annexure P-7) is hereby set aside. The learned Principal Judge, Family



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Court is directed to order the release of the petitioner from civil imprisonment, and is also directed to decide the application regarding correction of the affidavit of the petitioner pending before it and pass an order in accordance with law expeditiously, preferably within a period of one month from the date of receipt of this order.

9. Pending application(s), if any, shall also stand disposed of accordingly.

**(KIRTI SINGH)**  
**JUDGE**

**06.05.2025**

*Kapil*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No