
Makhan Singh Vs Parneet Kaur through her mother and guardian

Criminal Miscellaneous No. M-34315 of 2013 (O and M)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 9, 2013

Citation: (2013) 10 P&H CK 0327

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Achin Gupta, for the Appellant;

Final Decision: Dismissed

Judgement

Ram Chand Gupta, J.

The present petition has been filed u/s 482 of Code of Criminal Procedure for quashing of order dated 22.11.2012

passed by learned Additional Chief Judicial Magistrate, Mansa and order dated 02.07.2013 passed by learned Additional Sessions Judge, Mansa

vide which petitioner was directed to pay Rs. 2,500/- per month for maintenance of the minor child. I have heard learned counsel for the petitioner

and have gone through the whole record including the impugned orders passed by learned courts below.

2. It has been contended by learned counsel for petitioner that he is having no income at all and that hence, he is not in a position to pay the said

amount for the maintenance of minor child whereas, wife is doing a private job and having income.

3. Relationship is not disputed. There is no dispute that wife is living separate with the minor child and maintaining herself as well as minor child. It

has been mentioned by both the courts below that petitioner is concealing his income. The plea of counsel for the petitioner that he is not doing any

work and having no income cannot be believed as he is an able bodied person. Hence, he is duty bound to maintain the minor child. Respondent-

wife had to do a private job. She has come with clean hands and stated that she is earning Rs. 4,000/- per month by doing a private job in a

factory.

4. Hence, in view of the aforementioned facts, it cannot be said that any illegality or material irregularity has been committed by learned courts

below in passing the impugned orders, warranting interference by this Court in its jurisdiction u/s 482 Cr.P.C. Hence, the present petition is,

hereby, dismissed being devoid of any merit.