

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

**Crl. Misc. No. 30532-M of 2009**

**Date of Decision: 30.10.2009**

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**Sahabuddin**

**.. Petitioner**

**Vs.**

**Smt. Roshni & Ors.**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND KUMAR.**

**Present:- Mr. R.K. Dhiman, Advocate  
for the petitioner.**

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**ARVIND KUMAR, J.**

The petitioner has been directed by the Courts below to pay Rs.1000/- to each of the respondents as maintenance amount from the date of filing of application, while allowing their application filed under Section 125 Cr.P.C. and dismissing the revision preferred by the petitioner. Hence, through the instant petition, the petitioner is laying challenge to orders dated 18.10.2008 and 18.9.2009 passed by the learned trial as well as revisional Court respectively.

Heard.

Respondent No.1 is wife whereas respondents No.2 to 6 are the children born out of the said wedlock and this relationship between the parties and their separation is not in dispute. Keeping in view the fact that the provisions of Section 125 Cr.P.C. are beneficial one and have been enacted to prevent neglected wife, children or the parents, as the case may be, from the hands of starvation and vagrancy, it cannot be said that the amount of Rs.1,000/- each, so fixed as maintenance in favour of respondents by the learned trial court as well as revisional court, is on higher side, especially in the present scenario of high rise in the cost of living. By dint of the impugned orders only a legal duty, which the petitioner has failed to oblige, has been imposed. The petitioner cannot derive any benefit from the plea that he is a student and doing his LL.B. since he cannot evade his

social duty to maintain his wife and children on this ground alone.

There is no merit in the petition which is accordingly dismissed  
in limine.

**(ARVIND KUMAR)**  
**JUDGE**

**October 30,2009**  
**Jiten**