

Precedent No. 67

**EVIDENCE BY WAY OF AFFIDAVIT: DURING TRIAL UNDER SECTION 125 OF
THE CODE OF CRIMINAL PROCEDURE, 1973**

IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE, , Delhi.

Criminal Complaint No of 20

IN THE MATTER OF:

A.B

....PETITIONER

VERSUS

B.C

....RESPONDENT

AFFIDAVIT

I, W/o, D/opresently residing
in

The deponent abovenamed hereby solemnly affirms and states as follows:

1. That the deponent is petitioner No. 1 in the Criminal Complaint referred to above and being so, the deponent is well conversant with the facts and circumstances of the case and competent to swear to this affidavit. The deponent will be referred to as petitioner No. 1 hereinafter.
2. That petitioner No. 1 is the natural mother of petitioner No. 2, who is a male child by the name of agedyears. The respondent is the natural father of petitioner No. 2.
3. That the marriage between petitioner No.1 and the respondent was solemnized on, at, according to Hindu rites and ceremonies.
4. That on the demand and specific request of the parents and other family members of the respondent, the marriage between petitioner No. 1 and the respondent was solemnized with great pomp and show.
5. That from the very first day following the said marriage between the parties, the petitioner No. 1 was meted out with matrimonial cruelty and incessant demands of dowry by the respondent and his other family members. As a consequence of such inhuman and monstrous treatment at the hands of the respondent and his family

members, petitioner No. 1 had to file a criminal complaint, dated against the said people with the concerned Police Station. A copy of the said complaint is annexed herewith as Annexure I. The contents of the same are not being repeated herein for the sake of brevity and the same may kindly be read as a part of this affidavit. It is further submitted that all the facts, relating to the marriage and also to all the cruelties being meted out to petitioner No. 1 by the respondent and his other family members are contained in the aforesaid complaint.

6. That pursuant to the abovementioned complaint, an F.I.R. was also lodged with the PS, under sections 406, 498A read with 34 of IPC bearing No.
7. That with the view that petitioner No. 1 herein is not mulcted with an accusation of concealment of material facts, it is stated, though not so much relevant for the disposal of the present case, that a compromise was recorded by the court granting anticipatory bail to the respondent and his other family members for a total sum of Rs, out of which only a sum of Rswas paid to the deponent herein on, towards the value of *stndhana* and dowry articles.
8. That even after the said settlement of the matter between the parties, the respondent issued a mischievous advertisement in the newspaper whereby not only the sentiments of petitioner No. 1 were hurt but she was defamed as well and in view thereof, the petitioner No. 1 was forced to oppose quashing of F.I.R. in the High court and in the said proceedings, the High Court has directed for investigation of the matter also. Divorce proceedings have not even been initiated.
9. That out of a total sum of Rsreceived by petitioner No. 1, as stated above, about Rshave been utilised for repayment of loan taken at the time of marriage and the remaining amount has been utilised for the maintenance of the petitioners. As a matter of fact, the said remaining amount was insufficient for the maintenance of the petitioners and, therefore, the aged and retired father of the deponent had to spend lot more in terms of money, in addition to the above stated amount.
10. That it is pertinent to mention here that the parties have been living separately sinceand their only child was born out of the wedlock on

and the custody of the child is with petitioner No. 1, by the consent of parties.

11. That petitioner No. 1 is a graduate and presently resides at her father's home. She is not engaged in any earning activity and stands fully dependant on the maintenance allowance for the day-to-day needs of her ownself and that of petitioner No. 2.
12. That the respondent is a man of abundant means and resources and lives in his self-owned house. He has no other responsibility or liability except that of the petitioners. The respondent is living with his father and mother who are retired govt, officer and principal of a school respectively.
13. That the respondent is employed as a Technical Supervisor with M/s Technologiesand is drawing salary to the tune of Rsper month besides other perks and other allowances. That atleast a sum of Rsis being earned by the respondent from tuition work alone. Besides above, the respondent is generating income from rent and also by way of interest on his undisclosed investments and therefore the respondent is earning not less than Rsper month from all the aforesaid sources taken together.
14. That the respondent is living a very luxurious life in his abovementioned house.
15. That for the medical expenses of both the petitioners and also for their day-to-day expenses for clothes, food and shelter, they require atleast a sum ofper month as per the status of both the parties.
16. That the deponent has been, directly as well as through common relatives and friends, demanding maintenance but the respondent and also his other family members have not only neglected and refused to maintain the petitioners but have clearly and categorically given-up their responsibility *vis-a-vis* the petitioners and are adamant to defame the deponent.
17. That as mentioned above, the respondent is a man of abundant means and resources, having good income from various sources and is running various businesses and is also an income-tax assessee, whereas the petitioners have no source of income at all and the petitioners are at the mercy of their relatives and friends.
18. That a sum of Rswas spent by petitioner No. 1, by taking loan from her relatives and friends, at the time of recent medical treatment of petitioner No. 2 and subsequent medical related expenses.

19. That petitioner No. 1 is the mother of an infant child, having nobody to look after the child. She is not in a position to do any job, nor is having any income from any source whatsoever. She does not even have any job prospects in future as she is neither qualified in such a way nor is skilled in any area whatsoever. The father of petitioner No. 1 belongs to a middle class family and has his own responsibilities and cannot afford the maintenance of the petitioners. Therefore, there is no one to support the petitioners.
20. That the petitioners require maintenance for her residence, for food, for clothing, for medical expenses, litigation expenses and also miscellaneous expenses including conveyance etc., for which an aggregate sum of Rs per month for the petitioner No. 1 would be adequate, and Rsper month for petitioner No. 2 would be proper, keeping in view the educational perspective with respect to petitioner No. 2.
21. That it is humbly submitted that having regard to respondent's own income and property and also the status and standard of living and also in view of the standard of living and requirements of the petitioners to which they are used to, a sum ofper month would be appropriate by way of maintenance and support in favour of the petitioners and against the respondent.
22. It is, therefore, in the interest of justice that this Hon'ble Court may kindly be pleased to grant, past, present and future maintenance in favour of the petitioners, at the rate of Rsper month and Rsper month in favour of the petitioner No. 1 and 2 respectively, from the date of separation of deponent and the respondent, that is,, till all times to come and forever during the life-time of the petitioners, in addition to litigation expenses of Rs and medical expenses relating to recent treatment of petitioner No. 2 to the tune of Rs

Sd./

Deponent.

VERIFICATION

Verified at on this the day of, 20, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./

Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the day of....., 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.