

Maintenance under Section 125

Maintenance under the Code of Criminal Procedure, 1973 (CrPC), is a legal provision in India designed to provide financial support to those who are unable to maintain themselves. Sections 125 to 128 of the CrPC primarily deal with the awarding of maintenance, often to wives, children, and parents.

Purpose of Maintenance Provisions

The primary objective of maintenance under the CrPC is to prevent destitution and vagrancy among those who are financially vulnerable. It serves as a social justice tool intended to ensure that individuals who cannot sustain themselves financially, due to age, injury, or any incapacity, receive adequate support from those who legally owe them a duty of care. This provision upholds the societal value that individuals should support their close kin.

themselves, minor children, adult children incapacitated by physical or mental abnormalities, and elderly parents. It is designed as a catch-all clause that transcends religious or personal laws, ensuring a uniform standard of maintenance across different communities.

Interim Maintenance and Legal Proceedings

Significantly, the Magistrate may also order interim maintenance and the expenses of the proceedings during the ongoing legal process. This ensures that dependents are not left destitute while awaiting the final order. The process is intended to be expeditious and accessible, minimising the bureaucratic hurdles that often deter the pursuit of justice.

Jurisdiction and Proceedings

The procedure for filing a maintenance

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Scope and Applicability

Section 125 of the CrPC is a pivotal provision that empowers a Magistrate of the first class to order individuals who neglect or refuse to maintain their dependents to provide a monthly allowance for their support. This section covers wives unable to maintain

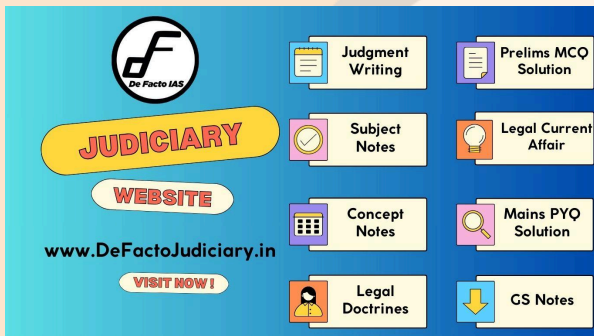
application is outlined in Section 126, which allows proceedings to be initiated in the district where the person resides, or where the wife or mother resides. This flexibility helps ensure that the proceedings are accessible to the claimant. Additionally, the section stipulates that all proceedings must

be conducted in the presence of the person against whom the order is proposed, unless the court dispenses with their presence.

Ex Parte Decisions

In cases where an individual deliberately avoids the proceedings, the Magistrate may proceed ex parte to ensure that justice is not unduly delayed.

However, these orders can be challenged and set aside within three months, providing a balance between expedience and procedural fairness.



Supreme Court Guidelines in Rajnesh v Neha

The Supreme Court's decision in Rajnesh v Neha further clarifies and expands on the maintenance laws. The court provided comprehensive guidelines for the enforcement of maintenance orders, emphasising the use of Section 28A of the Hindu Marriage Act, 1956, and other relevant provisions for effective execution.

The judgement also addresses the issue of overlapping jurisdictions and multiple maintenance claims, advocating for transparency and the avoidance of duplicative claims.