

\$~17

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 424/2021

SH SITARAM

..... Petitioner

Through: Mr. Tushar Mahajan and Mr. Rohan  
Yadav, Advocates

versus

SMT ANITA

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

%

**15.12.2021**

**CRL.M.A. 20084-85/2021**

Exemption allowed subject to just exceptions.

The applications stand disposed of.

**CRL.REV.P.424/2021 & CRL.M.A. 20083/2021 (Stay)**

1. The instant Criminal Revision Petition under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.") has been filed by the petitioner praying following reliefs:

*"A. To call for the record of the family court in Maintenance Petition bearing number 32/2021 titled Anita vs. Sitaram pending trial before Ld. Principal Judge Family Court, North East, Karkardooma Court, Delhi and allow the present criminal revision petition and set-aside the impugned order dated 15.11.2021, whereby the interim Maintenance application of the respondent under section 125 of the Code of Criminal Procedure, 1973 has been allowed.*

*B. Dismiss/quash the Maintenance petition proceedings bearing no. 32/2021 titled Anita vs.*

*Sitaram pending before Ld. Principal Judge Family Court, North East, Karkardooma Court, Delhi, filed by the respondent-wife, as being barred by law.”*

2. Learned counsel for the revisionist/petitioner submitted that the interim maintenance has been awarded by the Court below vide order dated 15<sup>th</sup> November 2021 without considering specific averments made by the petitioner herein that the respondent is residing in the same house where the petitioner is residing i.e. matrimonial home. It is contended that the wife/respondent is residing in the same house and she is not entitled to any maintenance under Section 125 of Cr.P.C. To strengthen his arguments, learned counsel has relied upon the judgment of the Hon'ble Supreme Court in *Bhuvan Mohan Singh vs. Meena & Ors., (2015) 6 SCC 353* and the judgment of this Court passed in Crl.Rev.P. 334/2017 titled as *Mala Nidar vs. Sunil Sagar* decided on 10<sup>th</sup> November 2021. Learned counsel has submitted that the learned Trial Court has not even considered the judgments cited on behalf of the petitioner while passing the impugned order. On instructions, he undertakes that Rs.60,000/- shall be paid to the respondent within 45 days from today i.e. on or before 30<sup>th</sup> January 2022.

3. Heard and perused the record.

4. Issue notice to the respondent on filing process fee within a week, returnable on 10<sup>th</sup> February 2022.

5. The receipt of payment of Rs.60,000/- to the respondent shall be deposited with the Registry of this Court before the next date of hearing.

**CHANDRA DHARI SINGH, J**

**DECEMBER 15, 2021**

*Aj*