



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

223

CRR(F)-622-2019 (O&M)

Date of decision: 25.10.2024

Manjit Kaur

..... Petitioner

Versus

Kuljit Singh

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Petitioner-Manjit Kaur is present in person with
Mr. Sapan Dhir, Legal Aid Counsel.

Respondent-Kuljit Singh, is present in person with
Mr. T.P. Singh, Advocate for Mr. M.K. Bhardwaj, Advocate.

NIDHI GUPTA, J. (ORAL)

1. In compliance of the last order dated 13.02.2024 passed by this Court, the parties are present in person; and learned counsel for the respondent has filed the Affidavit of Income, Assets and Liabilities of the respondent-husband in Court today. The same is taken on record.

2. Challenge in the present revision petition is to the order dated 31.08.2018, passed by the learned District Judge (Addl. Family Court), Karnal, whereby the petition under Section 125 Cr.P.C. filed by the petitioner-wife was **dismissed**.

3. The only argument made on behalf of learned Counsel for the petitioner is that the petition under section 125 CRPC filed by the petitioner has been wrongly dismissed.



4. At the very outset, learned counsel for the respondent-husband submits that this is the fourth petition filed by the petitioner under section 125 CRPC. Out of the previous three petitions filed under section 125 CRPC, one was settled, and the other two were dismissed. It is submitted that as such, the present petition is not maintainable. Moreover, as per the compromise entered into between the parties, the respondent had paid permanent alimony of ₹1,90,000/- to the petitioner. For this reason, as well, no claim of maintenance can be made against the respondent.

5. Heard.

6. A perusal of the record of the case shows that the petitioner was married to the respondent on 31.10.1992. One male child was born out of the said wedlock who is presently 31 years of age. It is the case of the respondent that the petitioner had herself left the company of the respondent in July 1997. Thereafter, she had filed a petition under Section 13 of the Hindu Marriage Act, 1955, wherein the marriage between the parties stood dissolved vide judgment and decree dated 25.04.1998/Ex. RW1/B.

7. As per the record, the petitioner had previously filed three petitions under Section 125 Cr.P.C., which have been repeatedly dismissed by learned Family Court, concerned. The first petition under Section 125 Cr.P.C. was filed by the petitioner on 04.11.1997, whereinat the asking of the petitioner herself, a permanent settlement dated 17.09.2005 had been entered into between the parties before the Lok Adalat as per which, the respondent-husband had paid a lump sum amount of Rs.1,90,000/- to the petitioner-wife as full and final settlement of all



disputes between the parties and also towards permanent alimony. The said amount was paid by the respondent after borrowing money from his friends and relatives. As such, the said first petition was dismissed as withdrawn on the basis of compromise vide order dated 17.09.2005 (Annexure R-1). The second petition under section 125 CRPC was filed by the petitioner on 21.09.2012, which was dismissed for want of prosecution vide order dated 24.03.2014 (Annexure R-3); whereas the third one was also dismissed as withdrawn vide order dated 25.05.2015.

8. Thus, this is the fourth petition filed by the petitioner seeking maintenance under Section 125 Cr.P.C. which has been dismissed vide order impugned herein on the ground of relevant observations and facts as noticed in para 9 of the impugned order as follows: –

“9. It is also pertinent to mention here that though in her petition the petitioner has averred that the matter was decided in the Lok Adalat and she was paid the money however, in her testimony before the Court she has deposed that her lawyer had got her statement wrongly recorded and she had never stated that she did not want to continue with the petition and it may be withdrawn. It appears that the petitioner is in habit of resiling from her statements made before the Court as she has not only denied her stated that 17.09.2005 regarding the settlement though she has admitted that it bears her signature, she has also alleged that her statement dated 25.5.2015 to the effect that she did not want to pursue her petition under Section 125 Cr.P.C. which was filed by her subsequently and which bears her signature and the signature of her lawyer was wrong and though she had told the judge that her case had fraudulently been closed but the judge had dismissed her application dated 8.01.2016. She has also alleged that her statement and the statement of her brother was not recorded properly in the trial under section 406, 498A IPC.....”

9. It may be pointed out that the statement/Ex. RW1/A of the petitioner to this effect was duly recorded before the Lok Adalat, wherein she has categorically stated that she has entered into a compromise with



the respondent and had received ₹1,90,000/- towards permanent alimony and had accordingly withdrawn her petition under section 125 CRPC. Despite this, the petitioner was making false statements before the learned Family Court. As such, the learned Family Court had rightly concluded that there was material contradiction in the pleaded case of the petitioner and her testimony as PW1; and that the petitioner is habitual of resiling from her statements; *'and has even gone to the extent of stating that her lawyer had not read out her affidavit to her in the present petition'*. The Id. Family Court has further observed in para 10 of the impugned order *".....The allegation of the petitioner that all the proceedings in the courts in every case were wrongly conducted does not inspire any confidence and as mentioned above, it is apparent on the record that the petitioner is habitual of resiling from her statements before the court and alleging foul play, hence, her contention that she had not accepted the money as permanent alimony, and her statement was wrongly recorded cannot be accepted."* It was on this basis that the impugned order was passed; and I find no ground is made out to interfere in the same.

10. It is also relevant that admittedly, the petitioner is BA pass. However, she has never worked. Further, vide judgment dated 17.09.2005/Ex. RW1/C passed by the learned Chief Judicial Magistrate, Karnal, the respondent was acquitted in case FIR No. 1298 dated 25.09.1997, registered by the petitioner under Sections 406, 498-A and 120- B IPC at Police Station City, Karnal. The respondent is presently 62 years of age. As per his aforementioned Affidavit of income, assets, and liabilities, the monthly income of the respondent is ₹13,500/-. The respondent-husband has also solemnized second marriage from which



wedlock he has one son. It cannot be ignored that the respondent has additional responsibilities in respect of his second family.

11. Learned counsel for the petitioner has not been able to controvert the aforesaid facts.

12. In view of facts noticed above, it is clear that the petitioner-wife has misused the due process of law. Present petition is accordingly, **dismissed.**

13. Since, the main revision petition is dismissed, therefore the application bearing CRM-26894-2019, filed under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 273 days in filing the main revision petition also stands dismissed and no separate order is required to be passed in the said application.

25.10.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No