

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

**C.R.R No.3475 of 2012 (O&M)
Date of Decision : 05.02.2015**

Smt. Pinki

..... Petitioner

Versus

Suresh Kumar @ Rakesh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arun Singal, Advocate
for the petitioner.

Mr. N.S. Pawar, Advocate
for the respondent.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order of the Court whereby the maintenance under Section 125 Cr.P.C. was declined on the ground that the petitioner was not proved to have married the respondent.

On 19.05.2014 the following order was passed:-

*“Learned counsel for the respondent submits that in
Civil Suit titled 'Rakesh Kumar @ Suresh Vs Pinky inter se the*

parties (Civil Suit No. 548 of 2010 instituted on 11.02.2008) ex-parte decree was passed against the petitioner holding that there was no marriage between the parties. Copy of the judgment has been handed over to counsel for the petitioner.

Learned counsel for the petitioner seeks time to have instructions. The respondent to place on record copy of the judgment passed in civil suit before the next date.

List on 18.07.2014.”

On 04.11.2014 the following order was passed:-

“Counsel for the petitioner has argued that apart from the merits of the case, it is admitted that the petitioner was the wife of elder brother of the respondent and after his death, she has not received any inheritance from her late husband.

Counsel for the respondent seeks a short adjournment.

Adjourned to 5.2.2015.”

Today the learned counsel for the petitioner has accepted that in a civil suit filed by the respondent the petitioner had appeared and filed a written statement also and had subsequently stopped appearing. It is also not disputed that the said judgment has become final and has not even been challenged despite the fact that copy of the judgment was handed over as far back as on 19.05.2014.

In these circumstances, in the opinion of this Court that judgment would supersede the jurisdiction of the criminal court.

As regards the contention recorded on the last date, the learned counsel for the respondent states that the petitioner and the respondent belong to the economic weaker section of the society and his deceased elder brother was merely a daily wager and he left behind no moveable or immovable property.

Learned counsel for the petitioner is not in a position to deny these facts at this stage.

Consequently, the revision is dismissed. However, it is clarified that the petitioner would be at liberty to seek the inheritance of her late husband through appropriate proceedings in law.

Since the main case has been decided the pending criminal miscellaneous application, if any, also stands disposed of.

February 05, 2015

ashish

**(AJAY TEWARI)
JUDGE**