

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH**

**Criminal Misc. No.M- 33224 of 2016(O&M)**

**Date of Decision: April 18 , 2017.**

Janki Devi ..... PETITIONER (s)

**Versus**

Rai Singh ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Shubhankar Baweja, Advocate  
for the petitioner.

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**LISA GILL, J.**

This petition has been filed for quashing order dated 10.02.2016 passed by the learned Additional Sessions Judge, Kurukshetra whereby order dated 15.06.2012 passed by the learned Judicial Magistrate First Class, Gram Nyayalya, Shahbad Markanda, Kurukshetra has been set aside, consequently dismissing the petition under Section 125 Cr.P.C. filed by the petitioner.

The petition under Section 125 Cr.P.C. preferred by the petitioner was allowed on 15.06.2012 by the learned Judicial Magistrate First Class, Gram Nyayalya, Shahbad Markanda, Kurukshetra and maintenance at the rate of ₹6,000/- per month was assessed. Revision petition preferred by the respondent was allowed by the learned Additional Sessions Judge, Kurukshetra vide impugned order on the ground that the petitioner has re-married therefore,

she is not entitled for maintenance under Section 125 Cr.P.C.

This Court on 19.09.2016 directed the petitioner to file an affidavit to the effect that she has not re-married after obtaining divorce from the respondent on 28.01.2010. Various opportunities were afforded to the petitioner to comply with the said order but no such affidavit is forth-coming.

Learned counsel for the petitioner submits that despite strenuous efforts made by him, no such affidavit is forthcoming from the petitioner.

It is to be noted that the learned Revisional Court has while taking into account affidavits of two residents of village Alipura, observed that there is nothing on record to indicate that the petitioner has not re-married or that the said affidavits are false. The petitioner has not filed an affidavit in respect to her re-marriage or otherwise despite a specific direction of this Court.

Learned counsel for the petitioner is unable to point out any illegality or infirmity in the impugned order dated 10.02.2016 passed by the learned Additional Sessions Judge, Kurukshetra.

Consequently, this petition is dismissed.

April 18 , 2017.  
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( **LISA GILL** )  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No