

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

CRR(F) No.154 of 2016 (O&M)

Date of Decision: September 11, 2018

Seema Antil

...Petitioner

Versus

Kuldeep Antil

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. A.P. Bhandari, Advocate  
for the petitioner.

Mr. Deepak Balyan, Advocate  
for the respondent.

\*\*\*\*\*

**JAISHREE THAKUR, J. (Oral)**

1. The instant criminal revision has been filed seeking to challenge the judgment dated 19.03.2016 passed by the District Judge, Family Court, Faridabad dismissing the application filed by the petitioner herein under Section 125 Cr.P.C.

2. In brief, the facts are that the petitioner solemnized a marriage with the respondent on 02.12.2009 in accordance with the Hindu rites and ceremonies at Faridabad. The petitioner and the respondent were together in C.I.T.M. College of Engineering, Faridabad and developed friendship and later on went to Arya Samaj Mandir, Mukundpur-II, Delhi and obtained a certificate of marriage dated 17.04.2009. On convincing their parents to agree for their marriage, the marriage between them was performed on

02.12.2009 at Milan Vatika Garden in the presence of relatives and friends. However, after having lived together for a short period, it is alleged that the respondent told the petitioner that they were supposed to dissolve the Arya Samaj Mandir marriage dated 17.04.2009 and on that basis, a decree of divorce was passed by the Family Court, Rohini on 20.01.2011. It is stated that the respondent went to Australia on 05.11.2010 and returned on 09.01.2011 and thereafter on 18.01.2011, he took the petitioner to Rohini Court for final hearing of divorce to end the said fake marriage. It is contended that the decree of divorce had been obtained fraudulently, and therefore, the petitioner herein is entitled to claim maintenance under Section 125 Cr.P.C.

3. The matter was contested by the respondent stating that the marriage had already been dissolved under Section 13-B of Hindu Marriage Act and that the petitioner was a Lecturer in a private University in Faridabad and drawing a salary of ₹ 1 lac per month. It is contended that due to differences, the parties decided to separate and the petitioner had appeared in the Family Court, Rohini on her own free will. It is claimed that the said petition has been filed only to extract money from him.

4. I have heard learned counsel for the parties, apart from perusing the pleadings and the impugned judgment.

5. The Family Court, on appreciating the evidence, had taken note of the petition filed under Section 13-B of Hindu Marriage Act, in which during her cross-examination, the petitioner had clearly stated that “*My affidavit Ex.PW1/A is in respect of a monetary claim from 19.9.2011 to 7.8.2013 as from 8.8.2013 I had joined DITMR, Faridabad as Assistant*

*Professor. I am still working there at the same post and my present emoluments are Rs.28,500/- per month..... It is correct that in the proceedings u/s 13-B of HMA, it was mentioned in the petition that all financial claims past, present and future stand resolved and settled and that I would be not entitled to any further financial claims or maintenance.”*

6. Further, as per the facts available on the record, the petitioner herein filed a civil suit for declaration before the learned Civil Judge (Senior Division) Faridabad for setting aside the decree of divorce dated 20.1.2011 on the ground that a fraud had been played upon her in obtaining a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act. In the said suit, the respondent moved an application under Order 7 Rule 11 CPC for rejection of the plaint, which application was allowed and aggrieved against the said order, the petitioner approached this court and the matter was remanded back to the Family Court for fresh adjudication.

7. Section 125 Cr.P.C. contains summary and quick remedy for securing some reasonable sum by way of maintenance, thereby to protect the destitute wife/minor child/old age parents against starvation. These provisions are intended to fulfill a social purpose. By providing a simple, speedy but limited relief, the legislation seeks to ensure that the neglected wife and children are not left destitute and thereby driven to a life of vagrancy, immorality and crime for their substance. The petitioner herein is seeking maintenance under Section 125 Cr.P.C., which petition has rightly been dismissed by the Family Court. The petitioner herein is an educated lady having obtained degree of M. Tech. All claims regarding alimony had already been settled during the proceedings under Section 13-B of Hindu

Marriage Act and during cross-examination, she has clearly stated that all claims present, present and future stand resolved and settled, while also admitting to the effect that she is working and earning ₹ 28,500/- per month. As on date, the decree of divorce obtained under Section 13-B of Hindu Marriage Act is still valid and subsisting, in which statements recorded of the parties are final and binding. Moreover, as noticed above, the petitioner is earning, and therefore, would not be entitled to any maintenance under Section 125 Cr.P.C.

8. In view of the above, the instant criminal revision is hereby dismissed.

**September 11, 2018**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No