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

+ CRL.M.C. 257/2019 & CrI.M.A. 1098-1100/2019

KUNAL BHAGI

..... Petitioner

Through: Mr. Yogesh Saini & Mr. Harish  
Bhardwaj, Advs.

versus

SMT AARTI SHARMA

..... Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

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**18.01.2019**

The petitioner is aggrieved by orders dated 19.04.2018 and 12.07.2018 passed by the Judge, Family Court at Dwarka in maintenance case no. 1053/2017 instituted by the respondent invoking the jurisdiction of the said forum by an application under Section 125 of the Code of Criminal Procedure, 1973 (Cr.P.C.). It may be that the jurisdiction of the family court has been invoked under a provision for maintenance in terms of code of criminal procedure, 1973 but the fact remains that the orders have been passed by the family court exercising jurisdiction under the Family Courts Act, 1984. In this view, the remedies against such order will have to be found in terms of the said special law i.e. the Family Courts Act, 1984.

At this stage, the counsel for the petitioner submits that he may be permitted to withdraw the present petition and the applications filed therewith and given liberty to approach the appellate forum under the Family Courts Act, 1984.

The petition and the application filed therewith are dismissed as withdrawn with liberty as prayed for, granted.

*Dasti* under the signatures of Court Master.

**R.K.GAUBA, J**

**JANUARY 18, 2019/nk**