

2023:PHHC:125904

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

CRR(F)-188-2016

Date of Decision: 25.09.2023

ARCHANA

... PETITIONER

VS.

DEEPAK VAID

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : None for the petitioner.

Mr. Sushil Bhardwaj, Advocate (Legal Aid Counsel)
for the respondent.

VIVEK PURI, J.(ORAL)

1. The petitioner has assailed the judgment dated 18.04.2016 passed by the learned Family Court, Ambala, vide which the petition under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been dismissed.

2. Learned counsel for the respondent submits that the petition under Section 125 Cr.P.C. has been primarily dismissed on the score that the petitioner had refused to live with the respondent without any sufficient reason. However, subsequently, the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and the respondent has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 07.01.2020 passed by the learned Family Court, Ambala. In the statements recorded during the course of proceedings in the petition under Section 13-B of the Hindu Marriage Act, the petitioner had made categoric statement on both the stages that all the disputes have been settled and nothing of any kind is due towards each other.

3. In these set of circumstances, the claim of the petitioner for maintenance under Section 125 Cr.P.C. is not maintainable and nothing survives in the present petition.

4. In view of the categoric assertion made by learned counsel for the respondent, the present petition is dismissed.

5. As none has appeared on behalf of the petitioner, she shall be at liberty to move an application for revival of the petition within a period of three months, if the aforesaid assertion of learned counsel for the respondent is found to be factually incorrect.

25.09.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No