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

+ **CRL.REV.P.(MAT.) 100/2024 & CRL.M.A. 34834/2024**

DILIP PODAR

.....Petitioner

Through: Mr. Shashwat Bhardwaj, Advocate
with petitioner in-person.

versus

DULARI DEVI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **21.11.2024**

CRL.M.A. 34835/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.REV.P.(MAT.) 100/2024

By way of the present petition filed under section 438 read with sections 442 and 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner (former husband) impugns order dated 07.09.2024 made by the learned Family Court-02, West, Tis Hazari Courts, Delhi, whereby a petition filed by the respondent (former wife) under section 125 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been held to be maintainable despite the marriage between the parties having been dissolved by *ex-parte* Divorce



Decree dated 17.07.2018, which the petitioner claims has attained finality since the SLP filed by the respondent stands dismissed as a defective case that was not refiled *vide* order dated 17.07.2023

2. In view of the Explanation (b) to section 125(1) of the Cr.P.C., after making some submissions, Mr. Shashwat Bhardwaj learned counsel appearing for the petitioner seeks leave to withdraw the present petition, with liberty to pursue his defense and raise all contentions before the learned Family Court, as may be permissible in accordance with law.
3. The petition is accordingly disposed-of as withdrawn; without making any observations on the merits of the matter.
4. Pending applications, if any, also stand disposed-of.
5. Needless to add that all rights and contentions of the parties on the merits of the maintenance claimed under section 125 of the Cr.P.C. are left open.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 21, 2024/ak