



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

(132)

CRR(F)-850-2025Date of Decision:-**02.06.2025**

NIRMAL CHANDRA KARMAKAR

... Petitioner

Versus

SUSHMITA KARMAKAR

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

ALOK JAIN, J. (Oral)

1. Present petition has been filed *inter alia* challenging order dated 21.03.2025 whereby an application under Section 126 Cr.P.C. read with Order 7 Rule 11 CPC filed by the petitioner has been dismissed.
2. Brief facts of the case are that the petitioner-husband is in litigation with the respondent-wife, and both were earlier living in West Bengal. To settle the issues between them, the parties had entered into compromise in August, 2023 and filed petition under Section 13-B of the Hindu Marriage Act, however, the petitioner failed to comply with the terms of compromise and rather threatened the respondent-wife and for the said reason the respondent-wife was forced to shift from West Bengal and afterwards she started living in Rajpura. Subsequent thereto the respondent-wife filed a petition under Section 125 Cr.P.C. for grant of maintenance to



her, in which the application under Section 126 Cr.P.C. read with Order 7 Rule 11 CPC was filed.

3. Learned counsel for petitioner submits that the Court below has fell in error in dismissing the said application, as a casual or temporary stay cannot be a ground to invoke the jurisdiction of the Court and hence petition under Section 125 Cr.P.C. should either have been dismissed or transfer to the Family Court at West Bengal. Learned counsel relies upon the judgment passed by the High Court of Madhya Pradesh in Criminal Revision No.3060/2021 titled as **Nirman Sagar vs. Smt. Monika Sagar Chaudhari and Another** decided on **01.04.2022** to substantiate his averments. He submits that there is no cause of action which has arisen under the jurisdiction at Rajpura and the same has filed only to harass the petitioner.

4. *Per contra* a perusal of the reply filed by the respondent to the said application and the impugned order, it is clear that respondent-wife has specifically stated that after filing of the petition under Section 13-B of HMA, the petitioner did not fulfill his promise and had thrown her out of her matrimonial home. Thereafter she was threatened by the petitioner and forced to leave West Bengal upon which she came to Rajpura. Before filing the petition under Section 125 Cr.P.C., she has got her Aadhaar card updated with the address at Rajpura and has also opened a bank account at Rajpura, which demonstrates that she is resident of Rajpura. At this stage, learned counsel for the petitioner re-asserted that in fact the Aadhaar was updated later on but could not deny the fact that the bank pass-book shows her address at Rajpura.

5. Heard learned counsel for the petitioner at length.



6. The purpose of invoking of Section 125 Cr.P.C. is to grant maintenance and allowance to the wife for her well-being and to protect from destitution and vagrancy. Admittedly the petitioner is residing at Rajpura and the same cannot be stated to be a casual stay since she has taken efforts to update her Aadhaar card as well as open her bank account in the Rajpura.

7. In the light of above, finding no merits in the petition, the same is hereby dismissed. However, the present dismissal shall not be considered as opinion on the merits of the case which the petitioner shall be entitled to contest on merits.

02.06.2025
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No