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

+ **CRL.M.C. 735/2025 & CRL.M.A. 3462-3464/2025**

ABDUL SATTAR @ SATTAR

.....Petitioner

Through: Mr. A.K. Mishra and Mr. Malkeet Singh, Advs.

versus

KHATIJA & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **04.02.2025**

1. This petition has been filed under section 528 of BNSS impugning the judgment dated 02.06.2007 passed by learned Metropolitan Magistrate, Patiala House Court, New Delhi in case no. 611/01/02 filed under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) titled as Khatija & another v. Abdul Sattar @ Sattar.
2. Learned counsel for the Petitioner states that after the passing of the impugned judgment, the Petitioner has paid a sum of Rs. 67,200/- approximately. He states that as per the execution petition filed by Respondents a sum of Rs. 37,000/- approximately is due and payable.
3. He states that Respondent no. 1 mislead the Court in passing the impugned judgment dated 02.06.2007 as she withheld the material fact that she has already re-married. He relies upon a ration card and the voter identity card of the Respondent no. 1 in support of his submissions. He



states that even with respect to Respondent no. 2, the Petitioner has always disputed his liability to maintain the said Respondent and the Petitioner has now in his possession documents supporting the said fact.

4. He states that Petitioner has already filed an application under Section 127 Cr.P.C. for modification of the impugned judgment on the basis of the new documents discovered by the Petitioner in support of his contention. He states that pleadings and proceedings in the said application is complete and the matter is now listed before the learned Magistrate for final arguments.

5. He states that Respondent no. 1 as well has filed an application under Section 127 Cr.P.C. for enhancement of the maintenance and the said application as well is listed for final arguments.

6. He fairly states that the documents on which the Petitioner seeks to place reliance for challenging the impugned judgment are not admitted by Respondents and the veracity of the said documents will be assessed by the learned Magistrate while adjudicating upon the Section 127 Cr.P.C. application.

7. After some arguments, learned counsel for the Petitioner states on instructions that he would be satisfied if the learned Magistrate is requested to hear and decide the said Section 127 Cr.P.C. application expeditiously.

8. This Court has been informed that the matter is next listed on 18.02.2025 before the learned Magistrate.

9. Keeping in view the advanced age of Petitioner and Respondent no. 1, the present petition is accordingly disposed of with a request to the learned Magistrate to hear and decide the Section 127 Cr.P.C. applications filed by Petitioner and Respondent no. 1 as expeditiously as possible.

10. With the aforesaid directions, the petition along with applications



stands disposed of. All the rights and contentions of the Petitioner are left open.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 4, 2025/hp/AKT

[Click here to check corrigendum, if any](#)