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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1738/2025 & CRL.M.A. 7816/2025,
CRL.M.A. 7817/2025, CRL.M.A. 7818/2025

NITIN KUMAR

.....Petitioner

Through: Mr. Ujjwal Sinha and Mr.
Ayushman Mishra, Advs.
Petitioner (through VC)

versus

SAPNA AND ANR

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.09.2025

1. By the present petition, the petitioner prays as under :

- (1) *summon the records of the aforesaid Maintenance Petition No. 209/2019 titled as Sapna and anr Vs. Nitin Kumar from the Court of Shri Anil Kumar, Judge Family Court-01, SW Dwarka, New Delhi or any other successor court and peruse the same and consequently quash the entire proceedings under the said Maintenance Petition No.209/2019 titled as "Sapna and Anr Vs. Nitin Kumar" under section 125 Cr.PC pending in Court of Shri Anil Kumar, Judge Family Court-01, SW Dwarka, New Delhi in the interest of justice; and*
- (2) *to pass any other or further order(s) it may deem fit and proper in favour of the respondent in the interest of justice.*

2. Since the petitioner appeared in person through video conferencing and was not able to comprehend, this Court on 15.07.2025, had requested Mr. Ujjwal Sinha, learned counsel who was present in Court, to assist the Court and to address arguments on behalf of the petitioner.



3. He states that he has interacted with the petitioner and the petitioner is aggrieved with the pendency of the proceedings before the learned Family Court, which were filed by the respondents way back in the year 2019. He submits that the order for interim maintenance was passed on 10.08.2020, which was never challenged by the petitioner. He submits that the petitioner, however, filed an application under Section 127 of the Code of Criminal Procedure, 1973 (**CrPC**), which was dismissed by the learned Family Court by order dated 24.02.2023. He submits that the said order was also not challenged by the petitioner.

4. He submits that the petitioner prays for quashing of the entire proceedings on various grounds.

5. Having not challenged the order directing him to pay interim maintenance and the subsequent order dismissing his application under Section 127 of the CrPC, the petitioner essentially appears to be aggrieved by the fact that the proceedings have not reached the finality.

6. It is submitted that multiple adjournments have been taken on behalf of the respondents, which is causing grave prejudice to the petitioner, who at this stage, is employed in ITBP and is posted in Dehradun. It is averred that on each date, the petitioner has to take leave from his work to attend the Court proceedings, which gets adjourned at request of the respondents.

7. Considering that the proceedings are pending before the learned Family Court at the stage of examination of the respondents, this Court does not consider it apposite to entertain the present petition and to issue notice to the respondents.

8. However, considering that the matter has been pending



since the year 2019, the learned Family Court is directed to expedite the recording of evidence.

9. Furthermore, as and when any application for personal exemption is filed by the petitioner, the same is directed to be considered sympathetically after taking into consideration that the petitioner is not posted in Delhi at this stage.

10. The present petition is disposed of with the aforesaid observations. Pending applications also stand disposed of.

11. This Court appreciates the efforts put in by Mr. Ujjwal Sinha, learned counsel, who has addressed arguments on behalf of the petitioner at the request of this Court.

AMIT MAHAJAN, J

SEPTEMBER 11, 2025

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