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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 862/2026 & CRL.M.A. 3421/2026

SHAHID KHAN

.....Petitioner

Through: Mr. Nasimuddin and Mr. Ajay Singh
Tomar, Advocates.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the
State.
SI Shiv Dayal Kumar, P.S.: Dayal
Pur.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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02.02.2026

CRL.M.A. No. 3422/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 862/2026

By way of the present petition filed under section 528 of the BNSS, the petitioner seeks *inter-alia* a direction to the learned family court to decide the petitioner's (husband) application filed under section 127(1) of the Code of Criminal Procedure, 1973 ('Cr.P.C.') bearing MT No. 225/2020 titled as *Neelofar vs. Shahid Khan* as early as possible or in a time bound manner.

2. Learned counsel appearing for the petitioner submits, that the petitioner has filed an application under section 127(1) Cr.P.C. on 16.10.2020, on which date notice was issued on the said application.



However, the respondent/wife filed her reply to that application only on 22.08.2023 that is after a lapse of about 03 years.

3. Counsel submits, that the respondent has failed to file her affidavit of assets and liabilities in the matter despite a direction to that effect having been issued by the learned family court *vidé* order dated 06.05.2024, though the petitioner (respondent in those proceedings) had done so.
4. Counsel submits, that accordingly, as of date, the matter has been pending for more than 05 years but the petitioner's application under section 127(1) Cr.P.C. has not yet been decided; and in the meantime, execution proceedings are underway *vidé* Ex. Crl. No.134/2020 seeking enforcement of maintenance judgment dated 20.12.2018, which has been made effective from the date of institution of the petition, *i.e.*, from 01.12.2017.
5. Copies of the order sheets of the proceedings before the learned family court have been appended as Annexure P-4 (colly) to the present petition.
6. In view of the prayer made, it is not considered necessary to issue notice or to call-for a reply from the respondents.
7. The delay in deciding the petitioner's application under section 127(1) Cr.P.C. is evident from the record.
8. The petition is accordingly allowed, directing the learned family court to dispose of the petitioner's application under section 127(1) Cr.P.C. pending before that court within 02 months from the next date of hearing before that court, which is stated to be 04.02.2026.



9. The petition is disposed-of.
10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 2, 2026/ak