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

+ **CRL.REV.P.(MAT.) 186/2026**

TUSHAR KAMAL

.....Petitioner

Through: Mr. Siddhant Jain, Ms. Anmol Anand
Jain and Mr. Devender Kumar Jain,
Advocates.

versus

XYZ (VICTIM)

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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08.04.2026

CRL.M.A. 10611/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.REV.P.(MAT.) 186/2026 & CRL.M.A. 10612/2026 (stay)

By way of the present criminal revision petition filed under section 438 read with section 442 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns order dated 07.02.2026 passed by the learned Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi by which the learned Family Court has issued notice on an application filed by the petitioner under section 125(4) of the Code of Criminal Procedure 1973 ('Cr.P.C.'), alleging that the respondent, his wife, is not entitled to any maintenance since she is living in adultery.



2. The challenge in the present proceedings is limited to the fact that while issuing notice on the application under section 125(4) Cr.P.C., the learned Family Court has not stayed order dated 13.02.2023 passed in MT No. 83/2020, by which order the petitioner has been directed to pay Rs. 15,000/- per month as *ad-interim* maintenance to the wife and 02 minor children alongwith their school fees, electricity bills and a lumpsum litigation expenses of Rs. 11,000/-
3. Notice on the application under section 125(4) of the Cr.P.C. was issued on 07.02.2026, and the matter has been placed before the learned Family Court next on 11.05.2026.
4. Clearly, both the petition under section 125 Cr.P.C., as well as the application under section 125(4) Cr.P.C., are pending consideration before the Family Court; and the mere denial of a stay *vidé* order dated 07.02.2026 while issuing notice on the application under section 125(4) Cr.P.C., is no ground for this court to interfere in the pending proceedings before the learned Family Court.
5. In so observing, this court is also guided by the principles of section 397 (2) of the Cr.P.C. as to the limits of its jurisdiction in relation to interlocutory orders.
6. The present petition is accordingly dismissed at the stage of issuance of notice itself.
7. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 8, 2026/ss