



2026:DHC:7277



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: August 14, 2026*  
*Pronounced on: August 31, 2026*

# CNR No. DLHC014407532018

+ CRL.REV.P. 1019/2018, CRL.M.A. 47930/2018, CRL.M.A. 48942/2018, CRL.M.A. 12327/2019, CRL.M.A. 41864/2019, CRL.M.A. 21095/2024, CRL.M.A. 21383/2026

.....Petitioner

Through: Mr. B.P. Singh, Mr. Nakul Nirwan,  
Mr. Anubhav Gupta, Advocates

Versus

.....Respondent

Through: Mr. Mukesh Gupta and Mr. Raghav  
Gupta, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

### **J U D G M E N T**

1. By virtue of the present petition under *Section 397* read with *Section 401* of the Code of Criminal Procedure<sup>1</sup>, 1973<sup>1</sup> the petitioner/ husband seeks setting aside of the judgment dated 29.09.2018<sup>2</sup> passed by the learned Principal Judge, Family Courts, Shahdara District, Karkardooma Courts, Delhi<sup>3</sup> in Complaint Case No.1003/2014 entitled ‘

’ by virtue whereof the petitioner was directed to pay maintenance @ Rs.7,000/- per month from the date of filing of the petition before the learned Family Court till December 2011; @ Rs.10,000/- per

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<sup>1</sup> Hereinafter “CrPC”

<sup>2</sup> Hereinafter “*impugned judgment*”

<sup>3</sup> Hereinafter “*Family Court*”



month from January 2012 to December 2013; @ Rs.10,000/- per month henceforth; and Rs.11,000/- as litigation expenses to the respondent/ wife.

2. *Briefly put*, the petitioner and the respondent got married on 20.05.2002 at Delhi as per Hindu rites and customs, which, though consummated, there is no child born out of the wedlock. Since their matrimonial relationship turned sour, in August 2002, the respondent left the matrimonial home and returned to her parental home.

3. On 30.09.2003, the petitioner instituted Suit No.27/2003 seeking a decree of declaration of being unmarried and restraining the respondent to claim to be his wife. The said suit was decreed in favour of the petitioner.

4. Aggrieved thereby, the respondent challenged the judgment in the aforesaid suit by way of Civil Appeal No.299/2005, which was allowed *vide* judgment dated 22.07.2006, and the decree in favour of the petitioner was set aside.

5. The petitioner also challenged the aforesaid judgment by way of RSA No.299/2006 before this Court. Since the same was dismissed *vide* order dated 04.04.2011, the judgment dated 22.07.2006 was upheld.

6. In the meanwhile, the respondent sought maintenance *vide* an application under *Section 125* of the CrPC before the learned Family Court in the year 2008, wherein the impugned judgment has been passed.

7. Hence, the present revision petition.

8. Learned counsel for petitioner primarily submitted that since the respondent is not the legally wedded wife of the petitioner, her claim of matrimonial relationship, without any document establishing the same, is untenable. In fact, the learned Family Court failed to appreciate that the respondent had herself admitted her signatures on the Marriage Certificate



and the Affidavit for Marriage Certificate (***Exhibit Ex. A***), which clearly establishes that she was already married to one Praveen Rana on 06.04.2015 and was unmarried while marrying the petitioner.

9. Learned counsel further submitted that since the findings contained in the judgment dated 22.07.2006 in Civil Appeal No.299/2005 *inter se* the parties were based on mere technicalities and not on merits, they cannot be read against the petitioner in proceedings under *Section 125* of the CrPC.

10. Learned counsel also submitted that, even otherwise, the respondent is a well-educated and professionally qualified woman, holding a bachelor degree in Law and practising as an Advocate in Delhi. She is, thus, capable of maintaining herself. As such, the proceedings initiated by her under *Section 125* of the CrPC are misconceived and have been instituted solely with the intent to harass and cause undue hardship to the petitioner.

11. Lastly, learned counsel submitted that the petitioner is the sole breadwinner of his family and a substantial part of his income is spent on the treatment, regular check-ups, and medicines of his mother, who is bedridden and suffering from several age-related ailments. Additionally, the petitioner has the responsibility to take care of his present wife, Kumari Meena, whom he married on 01.02.2008, as well as for his child's education.

12. In view of the aforesaid, learned counsel for the petitioner submitted that since the impugned judgment is passed in a mechanical manner, the same is liable to be set aside.

13. *Per contra*, learned counsel for the respondent supporting the impugned judgment submitted that the same is well-reasoned and has been passed after taking due consideration of all the materials placed before the



learned Family Court, and does not suffer from any illegality/ infirmity requiring inference of this Court, much less in a revisional jurisdiction wherein the scope of interference is limited and must be exercised sparingly. To buttress his arguments, the learned counsel relied upon ***Amit Kapoor vs. Ramesh Chander & Anr.***<sup>4</sup> and ***Shakotla Mishra vs. State of Govt. of NCT of Delhi***<sup>5</sup>.

14. On merits, learned counsel for the respondent submitted that the petitioner's claim that the respondent is not his lawfully wedded wife and is therefore not entitled to maintenance under *Section 125* of the CrPC is unsustainable, as the question of their marriage stands settled by the judgment dated 22.07.2006 in Civil Appeal No.299/2005. In fact, RSA No.299/2006 thereagainst has also been dismissed. Even otherwise, the same has already been dealt with by the learned Family Court in the impugned judgment.

15. Thus, as per learned counsel for the respondent since the present revision petition being wholly without merits, is liable to be dismissed.

16. This Court has heard learned counsel for the parties as also perused the materials placed on record and the judgments cited at Bar.

17. As held by the Hon'ble Supreme Court in ***Amit Kapoor (supra)*** and ***Pyla Mutyalamma vs. Pyla Suri Demudu***<sup>6</sup>, the scope of interference with the findings contained in the impugned judgment in the present revision petition like the present one is extremely limited as this Court is not to re-assess and/ or re-appreciate the materials and/ or the evidence as was

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<sup>4</sup> (2012) 9 SCC 460

<sup>5</sup> CRL.REV.P.180/2026

<sup>6</sup> (2011) 12 SCC 189



available on record before the learned Family Court and is only to interfere if there are any material illegalities and/ or irregularities contained therein.

18. Keeping the above in mind, and based on the materials on record, since the issue of marriage *inter se* the parties has long been settled by the judgment dated 22.07.2006 passed in the earlier proceedings, against which RSA No.299/2006 has also been dismissed, the same needs no further deliberation. Today, the petitioner is bound by the outcome of the aforesaid proceedings, as they are final and conclusive. The petitioner cannot seek to escape the outcome thereof by, once again, *de novo* contending the very same *decided* issues in another/ fresh proceeding at a later stage. In fact, this Court finds that the learned Family Court has also dealt with the same in the well-reasoned impugned judgment as well, which needs no interference by this Court.

19. Thus, the respondent being legally wedded wife of the petitioner as their marriage was solemnised on 20.05.2002, she comes within the ambit of *Section 125* of the CrPC, which is well-settled.

20. Moreover, since the materials on record show that the petitioner led no evidence and thus failed to discharge his burden of proving his case, he cannot be permitted to have another bite at the cherry, and that too in a revision petition by trying to rake open the earlier settled issue of his marriage with the respondent before.

21. In view of the parties being married before, and as held in ***Shamima Farooqui vs. Shahid Khan***<sup>7</sup>, ***Bhuwan Mohan Singh vs. Meena***<sup>8</sup> and ***Anju***

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<sup>7</sup> (2015) 5 SCC 705

<sup>8</sup> (2015) 6 SCC 353



***Garg vs. Deepak Kumar Garg***<sup>9</sup>, as any husband, the petitioner owes a legal debt to maintain any wife like the respondent. Therefore, that the petitioner is the sole breadwinner of his family, who has to bear the responsibilities of his ailing mother, (so-called) wife and son, can hardly come to his aid. The petitioner has not been able to show any reason(s) for this Court to exercise its revisional jurisdiction.

22. Lastly, this Court finds that since the findings arrived at by the learned Family Court in the impugned judgment are a plausible interpretation which are well-supported/ reasoned, there is no reason for interference and/ or setting aside and/ or to touch the quantum of maintenance(s) granted by the learned Family Court, in exercise of revisional jurisdiction by this Court.

23. Accordingly, the present revision petition, along with pending applications, is dismissed in the aforesaid terms.

**SAURABH BANERJEE, J.**

**AUGUST 31, 2026/So/DA**

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<sup>9</sup> 2022 SCC OnLine SC 1314