

MHRG140003402023



ORDER BELOW EXH-1

1. This is an application filed by the Applicant, Rajni Hareshwar Patil, under Section 125(3) of the Code of Criminal Procedure, 1973, seeking the recovery of arrears of maintenance amount from the Non-applicant, Hareshwar Janardhan Patil, as per the order passed in the main maintenance proceedings.
2. The brief facts leading to the present proceeding are that the Applicant had filed the main application under Section 125 of the Cr.P.C. for grant of maintenance. Upon the failure of the Non-applicant to pay the maintenance amount as ordered by this Court, the Applicant was constrained to prefer this execution application under Section 125(3) of the Cr.P.C. for the recovery of the outstanding arrears.
3. Upon registration of the application, notice was issued to the Non-applicant. The record reflects that the Non-applicant appeared before this Court from time to time and has consistently paid and deposited the maintenance amount as directed.

Cri. M. A. 52/2023
Rajani Vs. Hareshwar
Exh-1

4. On 04.04.2026, the Applicant, Smt. Rajni Hareshwar Patil, personally appeared before this Court along with her Ld. Advocate and preferred a Pursis at Exhibit 33. In the said Pursis (Exh. 33), the Applicant has explicitly and unequivocally stated that she has received the entire outstanding maintenance amount from the Non-applicant. She further stated that no arrears of maintenance remain due for the period covered under the present recovery application, and therefore, she requested that this proceeding be disposed of as fully satisfied.

5. The Ld. Counsel for the Non-applicant submitted that since the entire amount has been paid to the satisfaction of the Applicant, nothing survives in the present recovery application and the same may be disposed of.

6. The present application has been preferred under Section 125(3) of the Cr.P.C., which provides for the enforcement of orders of maintenance. The scope of Section 125(3) of the Cr.P.C. is purely remedial and recovery-oriented, aiming to ensure that the beneficiary of a maintenance order receives the amount awarded without undue delay. The Hon'ble Supreme Court in '**Smt. Kuldip Kaur v. Surinder Singh and Anr.**', **1989 (1) SCC 405**, has observed that the sentencing of a person to jail under Section 125(3) of the Cr.P.C. is a mode of enforcement, not a punishment for a past crime, and that the primary object of the provision is the realization of the maintenance amount.

7. Keeping this statutory purpose in mind, it is clear that once the maintenance arrears are paid in full and the claimant acknowledges receipt of the same, the very purpose of the recovery proceeding stands achieved. The Applicant has voluntarily filed the Pursis at Exhibit 33, declaring that she has received the entire outstanding maintenance amount. There is no dispute regarding the payment, and the Applicant has herself sought the disposal of the application.

8. Consequently, as the entire claim under this recovery application has been fully satisfied, no further enforcement measures or warrants are required to be issued against the Non-applicant. The proceeding does not survive. Hence, the application deserves to be disposed of as fully satisfied. In the interest of justice, I pass the following order:

ORDER

1. This Criminal Miscellaneous Application No. 52/2023 stands disposed of as fully satisfied in view of the Pursis filed by the Applicant at Exhibit 33.
2. All outstanding recovery warrants, if any, issued against the Non-applicant in this proceeding stand recalled and cancelled.
3. No order as to costs.

Uran,
Date – 06.06.2026

S. P. Wankhade
Judicial Magistrate F. C., Uran