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

+ **CRL.M.C. 4156/2025**

VIJAY KUMAR

.....Petitioner

Through: Mr. Anoj Kumar Singh, Advocate.

versus

JYOTI & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **01.07.2025**

CRL.M.A. 18178/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 4156/2025 & CRL.M.A. 18179/2025 (stay)

1. This is a petition under Article 227 of the Constitution of India read with Section 528 BNSS, filed on behalf of petitioner against the impugned order dated 09.01.2025, passed by learned ASJ, South District, Saket Court in Criminal Appeal No. 265/2023, titled as, "Vijay Kumar vs. State (GNCT of Delhi) and Ors." as also the order dated 20.05.2023, passed by the learned MM in Complaint Case No. 470050/2016, titled as, "Raj Kumari vs. Vijay Kumar and Ors".
2. The main grievance of the petitioner is that respondent No. 1 is not entitled for the maintenance, she being a major and not an aggrieved person



under the DV Act. It is submitted that respondent No. 1 was not a party to the petition filed under Section 12 of the DV Act, and therefore, the first Appellate Court could not have passed an order of maintenance in her favour.

3. Issue notice to both the respondents, subject to the petitioner taking the requisite steps, returnable on 03.11.2025.

4. In the meanwhile, no coercive order be passed in the execution against the petitioner for the recovery of maintenance *qua* respondent No. 1.

RAVINDER DUDEJA, J

JULY 1, 2025/vd