



CRM-M-17801-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17801-2025

Date of Decision: 15.07.2025

Mukul Maggu

...Petitioner

Versus

Ritu Maggu

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Jain, Advocate
for the petitioner.Ms. Anupam, Advocate
for the respondent.

ANOOP CHITKARA, J.

1. Seeking prosecution under Section 229 of BNS, 2023 the petitioner has come up before this Court by filing the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS].

2. I have heard counsel for the parties and have gone through the record.

3. Petitioner's case is that he was married to respondent and the ceremonies had taken place on 14.04.2007. From their marriage, two children were born in the year 2008 and 2011 respectively who are in the custody of the respondent. During the subsistence of the marriage, petitioner accidentally noticed the photographs of the respondent with a male with objectionable position. On this, the respondent snatched the phone and abused him. On further inquiry on his own level, he came to know that respondent had illicit relation with a person named xxx and the said person was living in the vicinity where parents of respondent were residing. On 24.12.2023, when the petitioner was not present at home, respondent left the home along with valuables, gold ornaments and also cash. Petitioner tried to convince the respondent through relatives but all efforts went in vain. Petitioner has filed a petition under Section 13 of Hindu Marriage Act which is pending at Baghpat (UP) in the court of Principal Judge, Family Court. Petitioner got to know that respondent had filed a protection petition in this Court which was registered as CRWP No.109 of 2024. In the said petition, respondent as well as another person xxx sought protection of their life and liberty and copy of the petition is annexed as Annexure P-2. The said petition was disposed of by this Court by granting protection for limited period subject to some condition. The said order is annexed as Annexure P-3.



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4. Petitioner's grievance is that in CRWP No.109 of 2024, present respondent i.e. petitioner therein had undertaken to take care of the children etc. and not to claim any maintenance for herself and her minor children and further that she would file divorce petition in the competent Court. Despite making such averments and undertaking, respondent did not comply with said undertaking, rather a petition under Section 125 CrPC was filed. Allegations levelled against the petitioner in the said petition under Section 125 CrPC are that he was abusive and he did not give any money which led to matrimonial discord and she had left the matrimonial home on 24.12.2023 with xxx and had filed a protection petition.

5. An analysis of the petition, reply and arguments would lead to the following outcome. The dispute is matrimonial, now, it appears that the petitioner is trying to take advantage of the averments made by respondent in petition for protection to hurdle the right of maintenance which the statute has made available to her and trying to multiply litigation as much as possible and the present petition is one such example.

6. Perusal of the petition filed by the respondent reflects that she made some undertaking to justify her case for protection but this Court provided protection to her for limited period keeping in view the threat perception to her life. If the respondent is not complying with such voluntary undertaking, this Court cannot force her to comply, as there were no such directions of this Court. As concerned for mis-leading this Court, there is no such averment which shows that this Court was mis-led.

7. Given above, there is no merit in the petition and the same is accordingly, dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.