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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(121)

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Date of Decision:- 13.01.2026

Anu Aggarwal

.....Petitioner

Versus

Sushant Aggarwal

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Ashish K. Gupta, Advocate  
for the petitioner.

**ALOK JAIN, J. (Oral)**

1. The present petition has been filed raising challenge to the order dated 08.07.2025 passed by learned Principal Judge, Family Court, Kurukshetra, Camp Court at Shahabad, District Kurukshetra, Haryana, whereby, the application filed by the petitioner under Section 125 Cr.P.C. seeking maintenance has been dismissed.

2. Learned counsel for the petitioner has vehemently argued that the learned Trial Court has fell in error in dismissing the application and has wrongly observed that the petitioner had concealed the factum of her employment. Learned counsel further submits that although the petitioner is earning some amount, however, the same is not sufficient for her maintenance. Moreover, she is currently residing with her father and is totally dependent upon him.

3. It is further contended that, in fact, the respondent is playing hide and seek and is trying to show himself merely an employee in a book



shop, whereas, in reality he is running a business in the name of his mother and is the sole beneficiary of the entire business income. It is also submitted that the respondent is a man of means, and the lifestyle and amenities enjoyed by him ought to be made available to the petitioner as well.

4. Heard learned counsel for the petitioner and have gone through the order so impugned.

5. The evidence brought on record clearly demolishes the case now being sought to be set up by the petitioner. The petitioner had taken a plea that she had adopted a child, who happens to be the daughter of her real sister; however, she has specifically admitted in her cross-examination that the respondent had never given his consent for the said adoption. Admittedly, neither there is any documentary evidence or ceremony performed for the alleged adoption, nor any application was moved to change the details in the official records of the said child to demonstrate that the petitioner's name was recorded or shown as the mother and the respondent's name was recorded as a father of the said child.

6. The above-said fact clearly demonstrates the *mala fide* intent of the petitioner to mislead the Court and seek undue sympathy, which stand belied by her own admissions during cross-examination.

7. Further, as regards her entitlement for maintenance, the petitioner has concealed the material facts that she was duly recorded as an employee of Markanda Oil Store. Though it has been vehemently argued by the counsel for the petitioner that the petitioner was never an employee of the said firm, however, in her cross-examination she admitted that she had availed various medical insurance benefits on the basis of the entries



recorded in Markanda Oil Store, showing her as an employee. Moreover, the petitioner was also working as a teacher in a school, namely St. Joseph School, Ambala City; however, she failed to disclose the same in her affidavit of income and expenditure.

8. Furthermore, the petitioner has admitted that she holds various Kisan Vikas Patras and a Public Provident Fund account, wherein, the account balance exceeds Rs. 15 lakhs. Apart from these accounts, the petitioner also maintains other bank accounts, which were duly considered by the learned Trial Court, which clearly demonstrate that there was no distress or immediate financial hardship necessitating the grant of maintenance to the petitioner. Admittedly, the petitioner deliberately concealed these facts from the Court. She further admitting a separate salary account with Axis Bank, however, she neither produced proof thereof nor disclose the balance lying therein. Despite a specific suggestion being put to her, she knowingly withheld details regarding her income.

9. It is also admitted that the petitioner has been living separately since 05.07.2019 and has failed to demonstrate any situation of financial distress during this entire period. The petitioner is a highly qualified lady, holding degrees of B.Ed., M.A. (Hindi), and M.A. (Art and Craft), and has been gainfully employed throughout the period.

10. It is indeed strange that while earlier the petitioner was drawing a salary of Rs. 18,000/- per month but now she claims to be earning only Rs. 12,200/- per month, which appears highly improbable. This conduct clearly reflects an attempt to abuse the process of law merely



to keep the respondent-husband entangled in continuous litigation and to extract money at her own convenience by misusing the judicial process.

11. The concept of grant of maintenance has been introduced to protect the dignity of women; however, it can't be permitted to be used as a tool for unjust enrichment. The rising number of false and frivolous cases being filed today not only defeats the very object of the law but also inadvertently undermines a woman's self-respect, dignity, and self-reliance. The petitioner cannot be permitted to play hide and seek with the Court and abuse the process of law. In the absence of any material to demonstrate that the petitioner is in dire need of financial assistance or maintenance, the very filing of the petition amounts to an abuse of the process of law.

12. It is settled proposition of law that maintenance under Section 125 Cr.P.C. is payable only when the wife is unable to maintain herself. The Hon'ble Supreme Court in the case of "**Chaturbhuji v. Sita Bai**", (2008) 2 SCC 316 has categorically held that a wife having sufficient independent income or means is not entitled to maintenance. This principle has been reiterated and streamline in "**Rajnish v. Neha**", (2021) 2 SCC 324 wherein, the Hon'ble Supreme Court emphasized full disclosure of income and assets and clarified that Section 125 Cr.P.C. is a measure to prevent destitution and not a source of unjust enrichment.

13. Moreover, Section 125 Cr.P.C. has been enacted with a specific purpose to protect women and children and to prevent vagrancy and destitution among them. It provides speedy remedy to the destituted and helpless women to establish their claim, it was incumbent upon the petitioner to prove that she is unable to maintain herself and her child but in



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the present case, the petitioner has concealed her employment and claimed his husband is earning handsome amount, her conduct in suppressing relevant information from the Court and the fact that she is not only qualified but is capable of earning good money. Furthermore, this Court also observed that when a person approaches a Court, he/she should approach the Court not only with clean hands but also with clean mind, clean heart and clean objective. No litigant has a right to draught on the Court's time and public money in order to get his/her affairs settled in the manner, he or she desires. Therefore, this Court does not find any error in the impugned order passed by the learned Family Court. Moreover, the petitioner has also failed to bring on record any cogent evidence to demonstrate that she was living separately from her husband on account of any situation created by the respondent-husband.

14. In view of the above and finding no infirmity or perversity in the impugned order passed by the learned Trial Court, the present petition stands dismissed.

**(ALOK JAIN)**  
**JUDGE**

**13.01.2026***Parul*

Whether speaking/reasoned:-  
Whether Reportable:-

Yes/No  
Yes/No