

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Revision No. 1642 of 2019

Rajeev Kumar ... **Petitioner**  
**Versus**  
The State of Jharkhand ....**Opp. Party**

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**CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA**  
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For the Petitioner :Mr. A.S. Dayal, Advocate  
For the State :Mr. Ashok Kumar, APP  
For O.P. No.2 :Mr. A.K. Srivastava, Advocate  
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**06/Dated: 10.09.2020**

**I.A. No.664 of 2020**

1. The instant interlocutory application has been filed with a prayer to stay the further proceeding in Maintenance Case No.268 of 2019, pending in the court of learned Principal Judge, Family Court, Ranchi.
2. Learned counsel for the petitioner has filed the judgment of Supreme Court in ***Rakesh Malhotra Vs. Krishna Malhotra vide order dated 07.02.2020*** and submitted that in similar circumstances the Apex Court has observed that when permanent alimony is awarded then the proceeding under Section 125 Cr.P.C is not maintainable.
3. Learned counsel for the State is present.
4. Mr. A.K. Srivastava, learned counsel for O.P. No.2 has submitted that the decision relied by the counsel for the petitioner is not applicable to the facts of the present case and the issue, regarding maintainability of petition filed under Section 125 Cr.P.C, has been well settled by the Supreme Court in ***Captain Ramesh Chander Kaushal Vs. Mrs. Veena Kaushal & Ors.; AIR 1978 Supreme Court 1807*** wherein it has been held that a divorced women can file the petition for grant of maintenance under Section 125 Cr.P.C. Learned counsel is praying for time to file the reply.
5. Heard. Time as prayed for, is granted to learned counsel for O.P. No.2. Having regard to the question of law involved in the revision the further proceeding in Maintenance Case No.268 of 2019, pending in the court of learned Principal Judge, Family Court, Ranchi, shall remain stayed till further orders.
6. In the result I.A. No.664 of 2020 stands allowed.

**Cr. Revision No. 1642 of 2019**

1. On prayer of counsel for O.P. No.2, office to list the revision on 20.10.2020.

**(AMITAV K. GUPTA, J.)**