



2025:DHC:11064



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

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*Judgment delivered on: 14.11.2025**Judgment pronounced on: 09.12.2025**Judgment uploaded on: 12.12.2025*+ **CRL.REV.P. 917/2024 & CRL.M.A. 28189/2024****SAHIBA SODHI**

.....Petitioner

Through: Mr. N. K. Sharma, Mr. Gaurav
Bhandari, and Mr. Harish
Kumar, Advocates

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for the
State.
Mr. Prateek, Advocate for R-2.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The present criminal revision petition has been preferred by the petitioner-wife against the order dated 05.04.2024 [hereafter '*impugned order*'], passed by the learned Additional Sessions Judge, SFTC (West)-01, Tis Hazari Courts, Delhi [hereafter '*Sessions Court*'] in Criminal Appeal Nos. 96/2022 and 190/2022, wherein both the parties had assailed the order dated 08.04.2022, passed by the learned MM (Mahila Court-05), West, Tis Hazari Courts, Delhi [hereafter '*Trial Court*'] in MC No. 300/2020 titled '*Sahiba Sodhi vs.*



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Bikram Jeet Singh’, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2012 [hereafter ‘*PWDV Act*’].

2. The brief facts necessary for adjudication of the present petition are that the parties herein were married on 19.02.2012 according to Sikh rites and ceremonies. A male child was born from the wedlock on 21.01.2013, who is presently in the custody of the petitioner-wife. In September 2020, the petitioner instituted a complaint under Section 12 of the PWDV Act, alleging that she had been subjected to continuous harassment on account of dowry demands and verbal as well as emotional abuse by the respondent no. 2-husband. It was stated that since 22.07.2020, she had been residing separately along with her minor son in a rented accommodation.

3. The learned Trial Court, after directing both parties to file their affidavits of income and assets, and upon hearing them, was pleased to grant ad-interim maintenance of ₹30,000/- per month to the petitioner-wife for herself and the minor son, *vide* order dated 09.11.2020, based on the admitted net income of the respondent no.2-husband of ₹67,000/- per month.

4. Thereafter, the learned Trial Court, *vide* order dated 08.04.2022, disposed of three applications: (i) the petitioner-wife’s application seeking interim maintenance, (ii) the respondent no. 2-husband’s application seeking reduction of the ad-interim maintenance, and (iii) the petitioner-wife’s application seeking restoration of the earlier ad-interim maintenance order (which had



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been stayed on 10.03.2022 on the ground that the wife was delaying the proceedings). *Vide* order dated 08.04.2022, the learned Trial Court was pleased to grant interim maintenance of ₹15,000/- per month each to the petitioner-wife and the minor son, from the date of filing of the petition till its final disposal.

5. Aggrieved thereby, both the parties preferred appeals under Section 29 of the PWDV Act before the learned Sessions Court. The petitioner-wife contended that the quantum of interim maintenance was inadequate and based on an erroneously assessed income of the respondent-husband. The respondent no. 2-husband, on the other hand, contended that the wife was disentitled to any maintenance as she had concealed her true income.

6. The learned Sessions Court, *vide* common order dated 05.04.2024, dismissed the appeal filed by the petitioner-wife and allowed the appeal filed by the respondent no. 2-husband. While upholding the direction to pay interim maintenance of ₹15,000/- per month to the minor son, the learned Sessions Court set aside the direction granting interim maintenance to the petitioner-wife.

7. Aggrieved by the impugned order dated 05.04.2024, the petitioner-wife has preferred the present revision petition.

8. The learned counsel appearing for the petitioner submits that the learned Sessions Court erred in concluding that the petitioner, being a dual MBA, was capable of earning and had been earning a substantial income. It is argued that the petitioner had only been



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employed for a brief period of three months, but owing to the ongoing litigations and having to frequently remain absent from work, her services were terminated. Thereafter, as she had the sole responsibility of caring for her minor child, who was then about two years old, and in the absence of parental support due to the demise of both her parents, she could not seek fresh employment and presently has no independent source of income. It is further contended that the order dated 08.04.2022 granting interim maintenance included the petitioner's essential expenses towards food, clothing, and rent. It is argued that the respondent no. 2 had taken a rented accommodation for the family and later abandoned the petitioner without paying rent, resulting in the property being vacated through Court orders. Consequently, the petitioner was compelled to take shelter at her brother's residence, where she presently resides out of his goodwill. After the impugned order dated 05.04.2024, she has not been receiving any amount towards rent or residence. The learned Sessions thus failed to consider her entitlement to residential rights under the PWDV Act. Further, the petitioner denies the allegation that she was imparting private tuitions or earning from the same. It is submitted that due to lack of stable and independent accommodation, she is not in a position to take tuitions, assuming she ever did. It is further contended that the finding that she concealed her income is erroneous. According to the petitioner, she had three bank accounts – two in Bank of Baroda (one individual, one joint with respondent no. 2) and one in Punjab National Bank – and all transactions in two of



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these accounts were carried out by the respondent no. 2, who still retains physical possession of the passbooks. It is argued that her salary for the first month was deposited by respondent no. 2 in her Bank of Baroda account, and the next two months' salary was transferred into her PNB account at his request. Statements of all accounts were eventually filed on record; therefore, there was no intention to conceal. It is also argued that the learned Sessions Court has wrongly presumed continued employment merely because she did not initially produce the termination letter, which was later placed on record. The Court also erred in relying upon her ITRs, which were prepared and filed by the respondent no. 2 showing 'Nil' income, and no income tax was ever paid by her. It is contended that the alleged voice recordings and documents relating to "S.S. Study," were created by the respondent no. 2 and pertain to a period prior to 2020. Further, the coaching centres remained closed during the pandemic, and thus, allegations of earning income from tuition are baseless. It is argued that the Sessions Court also failed to appreciate that the substantial credits in her bank account comprised maturity amounts from LIC policies and recurring deposits left behind by her deceased parents, which she reinvested for the future of her minor child and which do not constitute income. The absence of withdrawal entries has been explained by the fact that after moving into her brother's house, her basic expenses were borne by him until the Trial Court's ad-interim maintenance order of 09.11.2020. It is further contended that the respondent no. 2 has no dependents, as both his



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parents are retired government employees with substantial pensionary benefits, and his married sister resides in her matrimonial home. Therefore, he is solely responsible for maintaining the petitioner and the child. Moreover, any delay or omission in filing documents occurred due to inadvertence of counsel and was not a deliberate concealment. It is therefore prayed that the impugned order dated 05.04.2024 be set aside and the matter be remanded to the learned Trial Court for fresh adjudication under Section 23 of the PWDV Act, after directing both parties to file fresh income and expenditure affidavits.

9. *Conversely*, the learned counsel appearing for respondent no. 2 contends that the learned Sessions Court has rightly set aside the interim maintenance of ₹15,000/- per month granted to the petitioner while upholding the maintenance awarded to the minor child. It is argued that the petitioner is a well-qualified, able-bodied woman with dual MBA degrees, who had been employed before and during marriage and was also taking private tuitions under the name “S.S. Study Circle.” It is submitted that she had worked in several organisations, drawing a salary of ₹20,000/- per month with performance incentives, and her total monthly income was around ₹35,000/-. These facts were suppressed initially but later admitted during arguments. It is further argued that the petitioner had deliberately concealed her income, including earnings of ₹17,000/- per month reflected in her self-filed ITR for the Assessment Year 2025–2026. It is argued that she has intentionally stopped working to



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claim maintenance. The petitioner's financial records, including fixed deposits of ₹25,000/- in Bank of Baroda and ₹3,00,000/- in Punjab National Bank, are cited as proof of independent financial resources. It is contended that the petitioner had withheld complete bank statements in her November 2020 affidavit, and only after the respondent filed an application under Section 340 of Cr.P.C. were the full statements produced. It is argued that there are no digital transfers or bank entries corroborating the claim of having borrowed money from relatives, including NRIs. Thus, it is prayed that the present petition be dismissed.

10. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondent no. 2, and has perused the material available on record.

11. At the outset, the operative portion of the impugned order dated 05.04.2024, passed by the learned Sessions Court, is set out below:

“...6. This Court has given thoughtful consideration to the pleadings made and contentions by / on behalf of the parties and perused the entire record including Ld. Trial Court record carefully. The application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was taken up by the Ld. Trial Court firstly being received on 04.09.2020. Wife filed her income affidavit in that Court on 09.11.2020 and on the same date, husband filed his income affidavit but Ld. Counsel for the wife objected this affidavit being not accompanied with salary slip, credit card, statements and ITR for past three years and on the very next date on 11.12.2020 additional affidavit of income together with documents running into 105 pages was filed along with an application under Section 340 Cr.P.C simultaneously objecting and contending



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that wife be directed to file her account statement from April 2020 to November 2020. But it seems that it was not filed expeditiously and Ld. Trial Court also has to impose the cost and stay the interim order vide its order dated 10.03.2022. Vide impugned order, discussing various records filed by the wife, Ld. Trial Court observed the following:-

..... her latest bank account statement also reflect major credit entries which have remained unexplained. Undoubtedly, petitioner has concealed her job as a teacher in the year 2020 in her income affidavit filed on oath and it is only after filing of income affidavit by respondent no. 1 alleging that she has been working in Clevora Global Outsourcing Services LLP that an admission has been made during the course of arguments by Ld. Counsel for petition that she was working for three months only and earning Rs.18,000/- pm. Also, the salary of Rs. 18,000/- pm is not reflected in her bank account statements, nor has she filed her termination letter. Thus, it is deemed that petitioner does have a source of income which she has tried to conceal from the court in her latest income affidavit. With respect to the allegation that petitioner has been giving private tuitions, respondent no. 1 has placed on record a website document of SS study point which mentions the address as that of petitioner. He has also placed on record whatsapp conversation with the petitioner wherein she has stated that her class is going on, on 20.11.2019. Some conversation with respect to receipt of amount through paytm in the said conversation of petitioner along with the document reflecting SS Study Point at the address where petitioner is residing, accompanied with the entries in her bank accounts and her constant investments prima facie reflects that petitioner has other source of income which she has tried to conceal. "

Upon reading the appeal filed by the wife, it is found that it is dominantly assailing the observations made by Ld. Trial Court regarding her concealment of her source of income. But going through the Trial Court Record and her income affidavit and the various documents placed there by the wife herself and consideration made by Ld. Trial Court in above para, this Court finds no error in appreciation made by Ld. Trial Court and final observation made that wife had been concealing her source of



income. So this Court is in agreement that the wife did not approach to the Court with clean hands at the first instance and produced the various records only when same was indicated by the husband or his Counsel that too not before the strict orders were required to be passed by Ld. Trial Court, The various grounds on which the observations made by Ld. Trial Court is being assailed, seems the continuous attempt of the wife to assign reasons and justifications for not owning the income reflected in her documents. But mere oral explanations and reasons cannot be accepted to ignore the documents at the stage of deciding the application for interim maintenance since the documents could be proved otherwise than what the same is reflecting, only during trial where evidence has to be produced by the parties.

7. Now, proceeding further, so far as challenge on point of quantum fixed for maintenance is concerned, it is noted that during the course of the arguments Ld. Counsel for the husband categorically submits that impugned order is not being assailed qua the maintenance fixed for the child though if the incomes of husband and wife are considered in totality, the quantum of share of the husband towards maintenance child as per impugned order is more than what he should share. It is the contention of the husband that it is not only the quantum fixed but also entitlement of wife for maintenance is incorrectly held in impugned order. So, appeal by the husband is a challenge to the very entitlement of the wife for any maintenance while appeal of wife is to seek enhanced quantum requiring appreciation of income of husband. But this Court is of the view that before assessing the income of the husband, it is necessary to appreciate if is entitled for maintenance and for this, prima facie it should made out from the record that wife is unable to maintain herself and to live in the status equal to what she was enjoying at her matrimonial home in the company of her husband. Reference in this regard may be made to Rajnish Vs. Neha (2021) 2SCC, 324 also relied upon by the Counsel for wife wherein it is held by Hon'ble Apex Court that "an order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient to her or his support." But in case in hand as observed by Ld. Trial Court, wife has a source of income but she has concealed the same. Further, admittedly wife is MBA and record is showing that she is working and earning interest given by the bank despite



negative entries shown in the bank statement of the wife. There is also no withdrawal from the accounts. This all suggests that wife has sufficient income from other sources to meet out her expenses and to maintain herself. Omission on the part of wife to make true disclosure of the income also makes the Court unable to appreciate the status that she has been living; in her matrimonial home. So once it has come on record that wife had been concealing her source of income, Court can neither draw that wife who is otherwise working and earning, is unable to maintain herself nor can draw that she is living in a status lower than what she had been used to at her matrimonial home and consequently, husband cannot be directed to give the maintenance to the wife to make her to maintain a particular standard of living. Making reference to Mamta Jaiswal Vs. Rajesh Jaiswal 2000 (3) MPLJ 100, Double Bench of Hon'ble High Court of Delhi in Matrimonial Application (FC) 248/2019 decided on 12.09.2023, observed that "law does not expect persons engaged in the legal battles to remain idle solely with the objective of squeezing out money from the opposite party. Section 24 of HMA is not meant to create an Army of Idle people waiting for a dole to be awarded by the other spouse". In this case finally holding that wife is not only highly qualified and has an earning caring capacity but also has been earning though has not been inclined to truthfully disclose her true income, Hon'ble High Court held the wife not entitled to maintenance. This decision is squarely applicable to the facts and circumstances involved in case in appeals in hand. Therefore, this Court is of the view that wife is not entitled for maintenance for omission in disclosure of true particulars on her part and an income earned by her, therefore further assessment of income of the husband is not required. In such scenario, the judgments relied upon on behalf of the wife are also not applicable. Hence, the impugned order dated 08.04.2022 passed by Ld. Trial Court to the extent of entitlement of wife for the maintenance and grant of maintenance to her, is held not sustainable and accordingly, set aside to that extent only.

8. Consequently, in view of the above discussion, the appeal filed by the husband stands allowed whereas the appeal filed by the wife is dismissed."

12. Upon perusal of the Trial Court and Sessions Court records, as



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well as the documents placed before this Court, certain material aspects emerge regarding the petitioner's disclosure of her income and her entitlement to interim maintenance.

13. From the affidavit of income, assets and liabilities filed by the petitioner-wife before the learned Trial Court in November 2020, it is evident that she did not disclose the income earned during her period of employment between April 2020 and July 2020. In the said affidavit, she asserted that she had worked only for ten months during the entire eight years of marriage. However, she later admitted having worked for a few months in 2020 also, only after the learned Trial Court specifically directed her to file her bank account statements for the period April 2020 to November 2020 – statements which she had not annexed with her affidavit despite filing it in November 2020.

14. It is further noted that although an updated income affidavit was filed by the petitioner in April 2021 in compliance with the directions of the Hon'ble Supreme Court in **Rajnish v. Neha: (2021) 2 SCC 324**, she still did not file her income tax returns for the preceding three years, claiming that the husband had been filing them on her behalf. The learned Trial Court observed that ITRs could nevertheless be accessed using her PAN details and granted her a final opportunity to file them, while imposing costs of ₹1,000/-. The relevant bank statements were eventually filed in July 2021, but legible copies were not furnished to the respondent-husband. In view



of the petitioner's repeated non-compliance and withholding of material documents, the learned Trial Court was constrained to stay the operation of the ad-interim maintenance order. When bank statements were eventually produced, the salary of about ₹18,000/- per month, admittedly earned by the petitioner during those three months as stated by the learned counsel for the petitioner before the Court, was not reflected in the bank account statements, nor was any termination letter filed contemporaneously. These omissions led the learned Trial Court to conclude that the petitioner did have a source of income, which she attempted to suppress.

15. The learned Trial Court also took note of the petitioner's earlier ITRs which showed that, contrary to her claim of having no source of income, she had declared substantial earnings in the years immediately preceding the filing of the complaint. Her ITR for the FY 2017-2018 reflected a gross income exceeding ₹3,00,000/-, comprising rental income and income from other sources. Similarly, her ITR for the FY 2018-2019 showed a gross income of more than ₹3,50,000/-, again arising from rent and deposits. These disclosures were inconsistent with her submission that she was unemployed and that whatever she earned was taken away by her husband. Her bank account statements also reflected electronic transfers, credit entries and investments, none of which were satisfactorily explained by her. These circumstances, at the interim stage, provided sufficient basis for the learned Trial Court to draw a *prima facie* inference that the petitioner had additional sources of income which she had not



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disclosed in her income affidavit, and thus, suppressed material facts relating to her financial capacity.

16. The learned Sessions Court, after independently examining the Trial Court record, affirmed these findings and held that the petitioner had not approached the Court with clean hands. It noted that the petitioner had produced the relevant records only when confronted with the documents filed by the respondent-husband and only after specific and repeated directions were passed by the learned Trial Court. The learned Sessions Court also observed that her explanations for the credit entries in her bank accounts were merely oral and unsupported by documents.

17. The record further reflects that the petitioner had received substantial amounts towards maturity of LIC policies and recurring deposits upon the demise of both her parents. Her own explanation is that these amounts were reinvested for the benefit of herself and the child. However, the fact remains that such reinvestments would reasonably generate returns in the form of interest, which constitute a source of income that was never disclosed. The respondent-husband has also placed on record the ITR Acknowledgement for AY 2025–2026, of the petitioner-wife, showing an income of ₹2,04,730/-.

18. This Court therefore finds no error or perversity in the concurrent finding of both courts that the petitioner had concealed material facts and suppressed her true income.

19. The learned Sessions Court has set aside the interim



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maintenance awarded to the petitioner on the ground that she had independent income and earning capacity but had not disclosed true facts. In this regard, it is a matter of fact that the petitioner holds an MBA degree, has prior work experience, and she has been found to possess financial resources that were not disclosed by her. It is trite that a party who suppresses material information regarding his or her income cannot claim maintenance on the premise that he or she is unable to maintain herself.

20. However, this Court finds merit in the submission of the petitioner regarding her right to secure adequate residence. It is undisputed that after the parties vacated the rented premises, the petitioner and the minor child have been residing at her brother's house. The petitioner is not paying any rent and is residing there purely out of goodwill.

21. Section 19(1)(f) of the PWDV Act empowers the Court to direct the respondent to secure for the aggrieved woman the same level of alternate accommodation as enjoyed by her in the shared household, or to pay rent for the same. The husband also owes a statutory duty to provide residence for his minor child, who resides with the petitioner. The fact that the petitioner may not be entitled to monetary maintenance due to concealment of income does not, *ipso facto*, in the interregnum, disentitle her to a residence order under Section 19 of the PWDV Act.

22. Accordingly, this Court is of the view that the petitioner-wife



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is entitled to a sum of Rs. 10,000/- per month, as expenses towards securing a rented accommodation for herself and the minor child, which shall be paid by the respondent herein. The directions *qua* payment of interim maintenance of Rs. 15,000/- per month to the minor child, as directed by the learned Trial Court and upheld by the Sessions Court, have not been challenged before this Court, and the same are accordingly not interfered with.

23. The impugned order is accordingly modified in above terms.

24. However, given the fact that the complaint in this case pertains to the year 2020 and the ad-interim maintenance was granted in the year 2020, interim maintenance in the year 2022 and the impugned order was passed in the year 2024, it is directed that the learned Trial Court shall expedite the trial in the present case by granting shorter dates and ensuring that evidence of both parties is concluded without unnecessary delay.

25. In view of the above, the present petition, along with the pending application, stands disposed of.

26. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 09, 2025/zp/ns