IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 27 OF 2023

Poonam @ Sachi Harjeetsingh Sodhi
and another .. Petitioners

Versus

Harjeetsingh Surendrasingh Sodhi and others .. Respondents

Mr. Punit S. Mehta, Advocate for the Petitioners.
Mr. Mayur Subhedar, Advocate h/f Mr. S. B. Rajebhosale, Advocate for Respondent Nos. 1, 3 and 4.

CORAM : KISHORE C. SANT, J.

DATED : 16th MARCH, 2023.

P. C. :-

. Heard learned advocates for both the parties.

2. This petition is filed against the impugned order dated 20.12.2022 passed by the learned Trial Court on an application below Exh. 58 filed by the petitioner-wife thereby rejecting the application. The wife by way of the application had prayed for direction to the authorities under Section 91 of the Code of Criminal Procedure to produce on record income tax returns allegedly filed by the respondent-husband.

3. It is a specific case of respondent-husband that, he is not paying any income tax as his income is not taxable. He has already made it clear in the affidavit in respect of assets and liabilities in the proceedings where he has specifically stated that, he is not paying any income tax. It is the contention of wife that, in fact, she has personal knowledge that the husband pays income tax and the income tax returns can be called. The learned Court by observing all these things has rejected the application. Therefore, the petitioner is before this Court.

4. The petitioner challenges the order stating that, it was necessary for the learned Trial Court to pass an order and to call for income tax returns of the husband so as to decide the proceeding under the Protection of Women from Domestic Violence Act. The respondent-husband also specifically asserts that he is not paying any income tax as his income is below income tax slab. Even on specific query he reiterates the said aspect.

5. This Court finds that, if the husband has given a false affidavit, he would be liable to a criminal action under the law and the petitioner-wife is also entitled to take such action as available under the law against the husband. If the statement made before this Court

found to be incorrect, a proper recourse can be taken by the wife. As on today when the husband specifically states that he is not paying income tax, then certainly there is no question of directing the income tax authorities to produce the income tax returns.

6. The learned Trial Court has also made it clear that, it is only interim stage and if required the similar action can be availed. In view of this, this Court finds that, no case is made out to call for interference in the impugned order. The petition is therefore without substance and the same is therefore dismissed.

7. The criminal writ petition stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.