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

+ **CRL.REV.P. 580/2023**

HARJIT KAUR (MINOR) (THROUGH
MOTHER JUHIJEET KAUR)Petitioner
Through: Mr. Rohit Mehra, Adv.
(through VC)

versus

PRABHJEET SINGHRespondent
Through: Ms. Jyoti Gupta, Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
08.08.2024

1. The present petition is filed challenging the order dated 11.04.2023 passed by the learned Principal Judge, Family Court, Tis Hazari Court, Delhi in MT No. 230/21, pursuant to which the application under Section 91 of the Code of Criminal Procedure, 1973 (**CrPC**) filed by the petitioner, was disallowed.
2. The petitioner is a minor daughter of the respondent.
3. The petitioner had filed a petition under Section 125 of the CrPC, seeking maintenance. During the course of proceedings, an application was filed under Section 91 of the CrPC, pointing out that the bank statement of the respondent mentions one entry for a sum of ₹68,746/-. The petitioner sought direction to the respondent to file statement of the last three years. It was the case of the petitioner that the respondent was concealing his income. The relevant entry in the bank statement indicates that the sum of ₹68,746/- was transferred from one, 'Prabhjeet'.



4. The respondent filed reply categorically mentioning that the transfer was on account of maturity of an FDR, that is why the name of the respondent itself was reflected in the entry.
5. I have heard the arguments on behalf of both the parties.
6. It appears that the learned Trial Court, without going into the merits, held that the application is not maintainable. It is, however, not disputed that the reply was filed by the respondent before the learned Trial Court.
7. It is pointed out that the reply to that effect was filed by the respondent but was not taken on record by the learned Trial Court.
8. Be that as it may, it is not disputed that the reply in fact was signed by the respondent and was duly served to the petitioner.
9. A categorical stand has been taken by the respondent that pursuant to the FDR maturity, the credit entry was reflected in the bank account and the name of the respondent himself was mentioned in the statement.
10. Even otherwise, the learned Trial Court rightly noted that the entries in the bank statement are available on record and the same would be considered at the time of arguments and deciding the application for interim maintenance.
11. In view of the categorical clarification that the amount was transferred from maturing of the FDR, I am of the opinion that no order is required to be passed in the application filed by the petitioner under Section 91 of the CrPC as rightly observed by the learned Trial Court.
12. In regard to the direction to the respondent to file bank statement for the last three years, the learned counsel for the



respondent submits that the bank statement for the last three years has already been filed. The fact is though disputed by the petitioner.

13. The learned counsel for the respondent, on instructions, submits that the copy of the same has been supplied to the petitioner and in any case, without going into the controversy, the copy would be supplied again.

14. The application for interim maintenance would be decided by the learned Family Court after considering the material that has been placed on record by the parties. The matter is still pending consideration before the learned Trial Court and the parties are at liberty to lead evidence in support of their contentions at appropriate stage.

15. In view of the above, I find no reason to interfere with the impugned order dated 11.04.2023.

16. The present petition is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 8, 2024

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