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

+ **MAT.APP.(F.C.) 97/2025**

SANDEEP MARWAH

.....Appellant

Through: Mr. Kunal Madan, Mr.
Manmay Sarawagi, Mr. Raj
Kumar, Advs. with Appellant
in-person

versus

KAJRI MARWAH

.....Respondent

Through: Ms. Payal Chawla, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

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03.09.2025

1. The Appellant herein is the Respondent's Husband.
2. A perusal of the record reflects that the Family Court has dismissed the application filed by the Appellant under Section 340 of the Code of Criminal Procedure, 1973 [hereinafter referred to as 'Cr.P.C.']. It is the case of the Appellant that the Respondent concealed her employment while filing the application under Section 24 of the Hindu Marriage Act, 1955 [hereinafter referred to as 'HMA'], which resulted in grant of maintenance.
3. Learned counsel representing the Appellant submits that the Family Court has erred in dismissing the application under Section 340 of the Cr.P.C., despite noticing that the Respondent intentionally concealed the material facts from the Family Court, in order to secure a wrong order.



4. This Court has considered the submissions made by learned counsel representing the Appellant.

5. The Respondent has claimed that she concealed her employment due to fear of interference in her employment on part of the Appellant. The Respondent admitted her mistake and tendered her unconditional apology to the Family Court, and the order of maintenance was recalled.

6. The Family Court, while exercising its discretion, has refused to initiate proceedings under Section 340 of the Cr.P.C.

7. Accordingly, this Court does not deem it appropriate to interfere with the discretion exercised by the Family Court, particularly, in view of the fact that the Respondent has tendered an unconditional apology to the Family Court, which has been duly accepted thereof.

8. Even otherwise, it is not mandatory that in every case of false and incorrect statement, a proceeding under Section 340 of the Cr.P.C. should be initiated.

9. Hence, finding no merit, the present Appeal is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 03, 2025/jn/hr