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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 535/2023, CRL.M.A. 12785/2023-Stay**
SH.PRASHANT PRADHANPetitioner
Through: **Ms. Afshan Pracha, Advocate**

versus

SMT. VEENA SINGH & ANR.Respondents
Through: **Mr. Abhishek Sharma, Advocate**

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
18.03.2025

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1. By virtue of the present petition under Sections 397 and 401 of the Code of the Criminal Procedure, 1973(Cr.P.C.), the petitioner seeks setting aside of the impugned order dated 09.02.2023 passed by the learned Principal Judge, Family Court, Tis Hazari Courts, Delhi (learned Trial Court) in M.T. No.417/2018 whereby the petition of the respondent no.1 under Section 125 of the Cr.P.C. seeking maintenance from the petitioner herein, was allowed.

2. Learned counsel for the petitioner submits that the issues involved in the present petition are two-folds, *firstly* the issue *qua* the financial condition of the petitioner and *secondly qua* the medical condition of the petitioner. Documents *qua* which were not filed before the learned Trial Court and thus, were not considered, and which have been filed before this Court for the very first time.

3. Learned counsel for the petitioner further submits that even though the aforesaid medical and financial condition of the petitioner were existing



prior to the passing of the impugned order dated 09.02.2023 as also the documents qua the same, however since it/ they were not brought to the notice of the learned Trial Court, it/ they were not considered. She further submits that these are vital documents which required/ require consideration, especially, whence the learned Trial Court was dealing with the petition under Section 125 of the Cr.P.C. for maintenance of the respondents.

4. Learned counsel for the respondents, on the other hand, submits that *de-hor*the above, the respondents are entitled to receive the maintenance from the petitioner in view of Section 125 of the Cr.P.C.

5. At this stage, learned counsel for the petitioner, seeks to withdraw the present petition with liberty to approach the learned Trial Court to agitate the same issues raised by the petitioner in the present petition, especially qua the fresh documents filed by him before this Court.

6. This Court is of the opinion that considering that the documents sought to be produced by the petitioner, application qua which was allowed vide order dated 12.05.2023 by this Court, in the appellate stage, are fresh documents which were not forming a part of the TCR, have not been taken into consideration by the learned Trial Court while passing the impugned order dated 09.02.2023 as such, the petitioner should be accorded an opportunity to produce them before the learned Trial Court and address arguments based on the said documents as well as the pleas raised in this petition.

7. Accordingly, the petitioner is given liberty to approach the learned Trial Court and file fresh application raising all the pleas as above within a period of one week along with the documents as aforesaid.



8. In view of the above, the impugned order dated 09.02.2023 passed by the learned Trial Court in M.T. No.417/2018 is set aside.

9. Needless to say, this Court has neither gone into the merits involved nor has expressed any opinion on the merits of the matter. The learned Trial Court shall adjudicate the petition under *Section 125* of the respondents afresh, keeping in mind the aforesaid fresh documents and the pleas raised by the petitioner in the present petition, as per law.

10. In view of the aforesaid directions, the present petition, alongwith pending application, is disposed of.

SAURABH BANERJEE, J

MARCH 18, 2025/akr