



2025:DHC:11264



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

% **Date of Decision: December 10, 2025**
+ **CRL.REV.P.(MAT.) 206/2025 & CRL.M.A.**
13810/2025

SANDESH JINDAL & ANR.Petitioners
Through: Ms. Rupali Samuel &
Ms. Aditi Soni, Advs.
versus
VIPUL JINDALRespondent
Through: Mr. Ashish Sharma, Adv.
with Respondent in person

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present Criminal Revision Petition has been instituted under Section 397 and 401 of the Code of Criminal Procedure, 1973 ('CrPC'), read with Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), assailing the Order dated 30.10.2023 ('**impugned order**') passed by the learned Family Judge-01, Shahdara District, Karkardooma Courts, in CC/MT No. 20/2021 titled *Sandesh Jindal & Anr. v. Vipul Jindal*.

2. Petitioner No. 1/Smt. Sandesh Jindal is the wife of the Respondent No. 2/Vipul Jindal and Petitioner No. 2/Chetna Jindal is their unmarried daughter.

3. By the impugned order, the learned Family Court rejected the prayer of Petitioner No. 1 for interim maintenance, and further held that the entitlement of Petitioner No. 2 would stand extinguished on account of a set-off against the monetary relief

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granted to her under separate proceedings instituted under the Protection of Women from Domestic Violence Act, 2005 ('DV Act').

4. Aggrieved thereby, the Petitioners have preferred the present revision.

5. The learned Counsel for the Petitioners submits that the learned Family Court erred in observing that Petitioner No. 1 was "*earning sufficiently*".

6. She further submits that the learned Family Court has erred in not considering the Respondent's joint-family resources and relying upon the Petitioners' son to deny maintenance to Petitioner No. 1.

7. She further submits that DV Act reliefs are in addition to, and not a bar upon, maintenance under Section 125 CrPC.

8. She further submits that the Petitioner No. 2 is the unmarried daughter of the Respondent and is entitled to be maintained by her father as long as she has no independent source of income or property.

9. *Per contra*, the learned Counsel for the Respondent submits that the impugned order has been passed after due consideration of the material placed on record as well as the orders determining the interim maintenance under the DV Act, which merits no interference.

10. Submissions heard and the material placed on record perused.

11. The scope of revisional jurisdiction under Sections 397 and 401 Cr.P.C. is narrow and circumscribed. Interference is



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warranted only where the impugned order suffers from patent illegality, perversity, gross impropriety, or results in miscarriage of justice.

12. At the outset, it is apposite to observe that the parties are simultaneously engaged in parallel maintenance proceedings and the grant of maintenance in one proceeding cannot be viewed in isolation, rather, it must be read in consonance with the overarching obligation of the Respondent to provide for his dependents under various statutory schemes.

13. The maintenance awarded in the DV proceeding is a relevant consideration, not for the purpose of reducing or negating the victim's claim, but to ensure that there are no duplication or unjust enrichment and that a balanced, holistic assessment of the Respondent's actual financial liability is undertaken.

14. In view of the above, it would be beneficial to trace the observations passed in all the maintenance proceedings.

15. In the present case, the record reveals that *vide* Order dated 18.03.2021 in Complaint Case No. 2168/2018, the learned Metropolitan Magistrate held that Petitioner No. 1 is not entitled to interim maintenance as admittedly she was gainfully employed and drawing a salary of Rs. 28,000/- and also receiving a rental income of Rs. 8,000/- from a joint property owned by her and her son. However, considering that she has been bearing an expenditure of approximately Rs. 25,000/- per month for meeting the requirement of Petitioner No.2, the Respondent was directed



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to pay Rs. 12,500/- per month to the Petitioner No. 1 as interim maintenance for the Petitioner No. 2.

16. This Order dated 18.03.2021 was assailed by way of cross-apps and the *Crl. Appeal No. 47/2021* was partly allowed *vide* common judgment dated 06.12.2021, passed by the learned Additional Sessions Judge ('ASJ'), and the above-mentioned amount of interim maintenance for Petitioner No. 2 was enhanced to Rs. 20,000/- per month, while the *Crl. Appeal No. 50/2021* filed by the Respondent was dismissed.

17. The learned ASJ, upon examining the material on record, held that no interference was warranted with the Trial Court's conclusion insofar as declining interim maintenance to the Petitioner No. 1 at that stage considering her admissions that she is earning and has been repaying loans as well as single-handedly raising her children. It was thus, observed that the issue of her own entitlement would appropriately be adjudicated only after the parties led evidence.

18. Further, taking judicial notice of the cost of the Petitioner No. 2's ongoing LL.B. studies in Mumbai, and acknowledging the Petitioner No. 1's sole efforts in meeting all educational, medical, residential, and daily needs of the children, the learned ASJ concluded that as an interim measure, the Respondent was required to contribute at least Rs. 20,000/- per month towards the daughter's maintenance from the date of filing of the petition.

19. Admittedly, the above judgment has not been challenged by the Petitioners and the same has attained finality.



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20. Hence, after due consideration of the material on record as well as the detailed judgment passed by the learned ASJ, the learned Family Court, decided the application of interim maintenance under Section 125(3) of the CrPC by impugned Order dated 30.10.2023.

21. It is not disputed that orders granting *interim maintenance* are interlocutory in nature, based on a *prima facie* assessment of material placed before the Court, and ordinarily ought not to be interfered with unless the finding is wholly arbitrary or untenable.

22. Admittedly, Petitioner No. 1 is a law graduate and was working with a Software Company against a salary of Rs. 28,000/- per month. It further emerges that admittedly she also has certain joint-properties, is maintaining a vehicle, LIC policies etc. and that she has availed a number of loans including Housing Loan, Vehicle Loan and Air Tickets loan and has also been bearing the expenses of her children.

23. Thus, in view of the above, a *prima facie* opinion was drawn that the Petitioner No. 1 has sources to maintain herself for the limited purpose of ascertaining the entitlement of interim maintenance.

24. Though it has been argued that she has not received salary from many months due to Covid-19, however, as rightly observed, the same is a subject matter of trial and can only be ascertained after evidence is led by both the parties.

25. Similarly, while assessing the income of the Respondent, in lines of the observations made by the learned ASJ, it was



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observed that he is drawing income mainly from rent and interest on savings and even the ITRs reflect a meagre income. It was further observed that he is admittedly paying Rs. 20,000/- per month towards the maintenance of Petitioner No. 2, in terms of the judgment passed by the learned ASJ, and the record reveals that he is not earning as much amount that the same can be enhanced. It was further observed that the income from any other source would be a subject matter of trial.

26. This *prima facie* assessment of the respective incomes of the parties cannot be said to be perverse or manifestly erroneous. The other competing factual claims require evidence, and the Family Court has rightly observed that all such contentions are matters of trial.

27. In view of the above, this Court is of the considered view that the impugned order does not call for any modification or interference.

28. Needless to say that the final maintenance will be decided by the learned Family Court after considering the evidence produced by both the parties.

29. It is made clear that any observation made in this order is only for the purpose of deciding the present petition and shall not impact the outcome of the final order.

30. In view of the above, I find no merit in the present petition, which are hereby dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J