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

+ W.P.(CRL) 2426/2025, CRL.M.A. 22828/2025 (stay)
PALVINDER SINGHPetitioner

Through: Mr. Amit Vohra, Advocate.

versus

SHRUTIJA SURESH NAIK KAURRespondent

Through: Mr. Prakhar Sharma, Ms. Piya Uppal
and Ms. Riya Verma, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.08.2025

CRL.M.A.22829/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 2426/2025

3. Petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973 read with Section 528 of B.N.S.S. has been filed on behalf of the Petitioner for setting aside the ex-parte Order dated 30.06.2022 passed in CC No. 7092/2018 under Section 12 of Domestic Violence Act, 2005 registered at Police Station Rani Bagh of learned Mahila Court, North-West District, Rohini, Delhi.
4. Learned counsel appearing on behalf of the Petitioner submits that the Petitioner had been proceeded ex-parte in 2021 as he was unable to appear on account of ill health of his father. Thereafter, the ex-parte decree was passed on 30.06.2022 fixing the maintenance to be paid to the Respondent.



Thereafter, he even started claimed the maintenance as directed *vide* Order dated 30.06.2022 but now he has realised that the ex-parte Judgment has been passed in violation of the guidelines given by the Apex Court and therefore, he has challenged the impugned ex-parte Order dated 30.06.2022.

5. It is also submitted that now the Petitioner has come to know that the Respondent had been working since beginning, which factor has been concealed by her. Learned counsel further submits that despite directions of the learned Trial Court to file the affidavit of income, the Respondent failed to comply and also concealed her employment and somehow, the Order of ex-parte Judgment has been made. The *bona fide* of the Petitioner may be assessed from the fact that despite his father is suffering from cancer, he had appeared in 2024 and started making payments in May 2025 on the warrants being issued against him. It is submitted that on account of this material concealment, the present Petition is maintainable and the ex-parte Judgment is liable to be set-aside.

6. Learned counsel for the Petitioner has placed reliance on the Judgment of the Apex Court in Shaurabh Kumar Tripathi vs. Vidhi Rawal, Criminal Appeal No. 2688/2025 arising out of Petition for Special Leave to Appeal (Crl) No. 9493/2024, decided on 19.05.2025.

7. Learned counsel for the Respondent has submitted that the present Petition is nothing but an abuse of process of the Court in so much as the ex-parte Judgment is of the year 2022, which has not been challenged before the first Appellate Court.

8. Learned counsel for the Respondent has submitted that the Petitioner instead of taking recourse to the first Appellate Court or to seek an appropriate remedy to get the ex-parte decree, the Petition under Section 482



Cr.PC for setting-aside the ex-parte Judgment has directly approached this Court.

9. After some arguments, learned counsel for the Petitioner seeks permission to withdraw the present Petition with liberty to approach the appropriate forum, in accordance with law.

10. The Petition is permitted to be withdrawn with liberty as prayed for.

11. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2025/RS