



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

% ***Reserved on: 22nd July, 2025***
Pronounced on: 13th August, 2025

+ **CRL.M.C. 6579/2018, CRL.M.A. 50531/2018**

ANAND TANWAR

S/o Sh. Harpal Singh,
R/o Room No.5, E.W.S.,
Rail Vihar, Sector -57, Gurgaon, Haryana. Petitioner

Through: Mr. Archit Upadhayay, Advocate
(DHCLSC) with Petitioner.

versus

POONAM ANAND TANWAR

W/o Sh. Anand Tanwar,
D/o Sh. Krishan Chand,
R/o O-380, Ground Floor,
Flat No. 3, Sourabh Vihar,
Jaitpur, Badarpur, New Delhi.Respondent

Through: Mr. Braham Vati, Advocate with
Respondent in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioner against judgment dated 09.08.2018 of learned ASJ, whereby the Appeal preferred against the Order of learned



MM dated 07.01.2017 directing the Petitioner to pay Rs.33,332/- per month to the Respondent and their three children in a Petition under S. Section 20 of the Protection of Women from Domestic Violence Act, 2005 (herein after referred to as 'the DV Act'), was upheld.

2. **Brief facts** are that Complaint was filed by the Resopndent/Smt. Poonam Anand Tanwar seeking Monetary Relief under Section 20 DV Act aside from Protection, Monetary and Compensation Order.

3. Respondent got married to the Petitioner/Anand Tanwar on 23.01.2011 and three children (i.e. two boys and one girl) were born from their wedlock. She claimed that she was harassed and mercilessly beaten on account of dowry because of which strain came in their matrimonial relationship. With passage of time when the Petitioner failed to mend his behaviour, she eventually separated from him on 31.03.2014.

4. Various Complaints were filed by the Respondents about alleged acts of the Petitioner and eventually FIR No.191/2015 dated 16.05.2015 under Sections 498A/506/406 IPC against the Petitioner and his family members was registered at P.S. Sector 31, Faridabad, Haryana. Chargesheet under Section 498A/406/506 IPC was filed before learned JMFC, Faridabad Court, Haryana, who took cognizance on 21.07.2016 and farmed the charges.

5. Moreover, A Petition under Section 25 of the Guardian and Wards Act, 1890 was also filed on behalf of the Petitioner on 24.09.2016.

6. Respondent has also filed an Application bearing CC No.517448/16 under Section 12 of the DV Act on 05.01.2016, which is pending trial before the learned MM, New Delhi.

7. The Petitioner has asserted that since 31.03.2014, the Respondent has been living in Faridabad, Haryana in her parental home. She has got their



son Tanmay Tanwar admitted in Dynasty International School, Sector 28, Faridabad and paid Rs.40,000/- as admission fee.

8. Learned MM in its Order dated 07.01.2017 assessed the income of the Petitioner as **Rs.50,000/- per month** and divided the same into six portions, out of which two portions were given to the Petitioner, while the Respondent and three minor children got remaining four portions, which comes out to Rs.33,332/- per month.

9. Petitioner preferred an Appeal under Section 29 of the DV Act before the learned ASJ, which was dismissed *vide* Order dated 09.08.2018.

10. **Execution Petition** bearing Ex.Crl. No.362/2017 was filed by the Respondent claiming arrears of Rs.7,33,304/-, which is pending before learned MM. Thereafter, the Respondent filed another Execution Petition bearing Ex. Crl. No.10422/2018 against the Petitioner.

11. Petitioner has submitted that he was relieved from his services as Android Developer from *M/s ALBA Smart Automation Pvt. Ltd.*, as the Company closed their Technical Department in Delhi NCR region. In July, 2018, he joined *Welvaart Trading Pvt. Ltd.*, Dera Gaon, New Delhi on temporary basis. Letter dated 01.11.2018 issued by the said Company along with payment vouchers, is annexed in the present Petition.

12. It is submitted that the impugned Order granting maintenance @ Rs.33,332/- is liable to be set aside and grounds of challenge are that income of the Petitioner has been wrongly assessed as Rs.50,000/- per month, while in his affidavit of income, he has stated it to be Rs.20,000/- per month and his own monthly expenses are Rs.15,800/-.

13. It has not been appreciated that the Respondent has done LL.B. and is a practicing Advocate, who is earning approximately Rs.20,000/- per month



and is currently assisting her parents, who are also lawyers and practicing in Delhi NCR region. The maintenance @ Rs.8,333/- per portion has been wrongly awarded to the three children without considering any document of their expenses and educational qualification, etc.

14. The Order of learned MM, which has been upheld by learned ASJ, fails to give reason or material for assessing Petitioner's income.

15. Petitioner has filed his Bank Statements of Union Bank of India reflecting his income of about Rs.20,000/- per month being credited to his account from *M/s ALBA Smart Automation Pvt. Ltd.* in the year 2016. No opportunity had been given to the Petitioner to prove his case. It has not been considered that Petitioner has no sufficient means to pay the maintenance, which is on a much higher side.

16. Therefore, prayer is made that the impugned Order be set aside.

17. *Respondent filed her reply to the Petition*, wherein she took the *preliminary objection* that the Petition is not maintainable as it has been filed with ulterior motive to avoid the payment of maintenance to the Respondent and her three minor children. No cogent grounds to challenge the correctness, propriety and legality of the Order passed, has been agitated. He has done B.Tech (Computer Science) and is engaged in property dealing business and is running his office from B-51, Sushsant Lok, Sector 57, Gurugram Haryana.

18. It is submitted that learned ASJ had given enough opportunities to the Petitioner to pay 50% of the arrears, which he has failed to do so and he has filed present Petition, which has no basis.

19. Petitioner has not been appearing in the DV Act case since 05.10.2018 as well as in the Execution Petition. Warrants of Attachment



under Section 421 Cr.P.C. were issued on 13.04.2018 through SHO and thereafter, through DCP on 05.10.2018. Petitioner has also not been appearing in other litigations pending *inter se* them.

20. He had filed Petition under Section 9 of HMA for *Restitution of Conjugal Rights*, where the Respondent appeared and expressed her willingness to join the company of Petitioner. However, Petitioner instead of taking her back with him withdrew his Petition and did not take her back to the matrimonial home.

21. Divorce Petition has been filed by the Petitioner against her on 25.02.2016, which is pending before learned Judge, Family Courts, Gurugram, Haryana. There are other cases pending between the parties in different Courts, including a criminal case under Sections 498A/406/34 IPC.

22. It is further submitted that Petitioner's mother contested elections for Councillor in May 2011. His father was Secretary of Haryana Pradesh Congress and his sister is a Doctor and practicing at B-197, Sushant Lok-III, Sector-57, Gurgaon, Haryana. Father of the Petitioner had published a defamatory publication in the Newspaper Rashtriya Sahara on 04.12.2014. Therefore, the Respondent sent a Legal Notice to him seeking apology, but he failed to do so. Thereafter, on 28.05.2019, Respondent filed a Suit for defamation against the father of the Petitioner, which is pending trial.

23. It is submitted that Respondent's brother is a kidney patient since July 2002 who has retired from Canara Bank as SWO, in July 2018. Medical expenses of her brother are about Rs.20,000/- per month. Her youngest daughter is about five years old and could not be admitted to any School due to paucity of money.



24. Parties are living separately since 31.03.2014. It is further asserted that the Petitioner claimed that his personal expenses are about Rs.15,800/- and by such calculation, even the Respondent and the children are also entitled for maintenance of similar amount, which the Petitioner is duty bound to provide.

25. All the properties, which are in possession of the Petitioner and his father, are ancestral. Petitioner is working as property dealer and is earning around Rs.1,50,000/- per month. He maintains luxurious cars like Toyota Fortuner, Mahindra Xylo, Chevrolet Peat, Motor Cycle, Scooty, two computers, two LED TVs, Six ACs, two Laptops and other luxury household items. As per the knowledge of the Respondent, the Petitioner owns the following properties:

- a) B-76, Sec-57, Sushant Lok-III, Gurgaon, Haryana;
- b) 32 Huts in front of B-76, Sec-57, Sushant Lok-III, Gurgaon, Haryana, which they rented house to different tenants and receiving rent of Rs.90,000/- pm approx;
- c) B-51, Sec-57, Sushant Lok-III, Gurgaon, Haryana;
- d) Share in Property measuring 1200 sq yards at Village Tigra, Gurgaon, Haryana;
- e) Agricultural land;
- f) 5 Flats at Rail Vihar, Sushant Lok-III, Gurgaon, Haryana;
- g) Toyota Fortuner Car having Haryana No.;
- h) Chevrolet Beat; and
- i) One Motorcycle.

26. It is therefore, submitted that there is no infirmity in the Order and the Petition is liable to be dismissed.



Submission heard and record perused.

27. It is not in dispute that Petitioner is a qualified persons and is holding degree of B.Tech., Compute Science. Initially, as per his own documents, he was working in a Company in the year 2016 and was earning about Rs.20,000/- per month which is also corroborated by his bank statement. It is also asserted that the Respondent is an Advocate and is doing practice along with her parents, who are also Advocates and earning about Rs.20,000/- per month, to which there is no denial.

28. Respondent had given list of the properties that are jointly owned by the Petitioner with his father. One of them, according to her, is B-76, Sushant Lok III, Sector 57, Gurugram, Haryana, which is the residential house. According to her, there is *another house bearing H. No.B-147* in the same locality, in which about 32 room have been constructed, which are being let out on rent.

29. Petitioner may have at one point of time been employed on a salary of Rs.20,000/-, but *prima facie* from the list of properties and the documents and the photographs, it is shown that Petitioner is a man of means having income from various sources and is not confined to his job and salary.

30. The mother of the Petitioner had also contested elections for Councillor in the year 2011, while his father is a Secretary of Haryana Congress.

31. Learned MM had rightly assessed the income of Petitioner as Rs.50,000/- per month and divided the same into six equal parts awarding Rs.33,332/- per month to the wife and three children. The Ld. ASJ has also not found fault with the Order.



32. However, it cannot be overlooked that admittedly the parties are living together since 14.07.2022. The expenditure of the children and day to day expenses of the family are being borne by the Petitioner. Accordingly, the *Order is modified and the maintenance is limited to the personal expenses of the Respondent @ Rs.8,500/- per month w.e.f. 01.08.2022.*

33. The Petition along with pending Application is disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 13, 2025/R