



2025:UHC:4540

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Revision No. 175 of 2025**

**04 June, 2025**

Ikran

--Revisionist

**Versus**

Samreen Jahan and another

--Respondent

**Presence:-**

None is present for the revisionist.

Mr. Yogesh Upadhyay, learned counsel for the respondents.

**Hon'ble Vivek Bharti Sharma, J.(Oral)**

This criminal revision is preferred for quashing and setting aside the impugned judgment and order dated 23.08.2024 passed by learned Judge, Family Court, Kashipur, District Udham Singh Nagar in Criminal Case No.96/2024, "*Smt. Samreen Jahan and another Vs. Ikran*".

2. There is delay of 126 days in filing this revision.

3. None is present on behalf of the revisionist to explain the cause for delay.

4. The delay condonation application is vehemently opposed by counsel for the respondents, however, for the adjudication of the dispute and substantial justice, the delay is condoned.



5. Grounds taken in the revision are that, the learned court below without considering the relevant factors allowed an application for interim maintenance in favour of the respondents with a direction to pay an amount of ₹5,000/- per month; that the learned Court below has failed to appreciate that the present revisionist/husband is receiving an income of ₹8,000/- per month and considered the total income of the revisionist/husband as ₹20,000/- and overlooked the entire facts while passing the impugned order; that, respondent no.1/wife has failed to prove the income of the revisionist/husband and if ₹5,000/- per month is to be paid then the revisionist/husband will suffer irreparable loss and injury; that, respondent no.1/wife is well educated lady and also does work of sewing and embroidery, therefore, she is not entitled to claim any maintenance from the revisionist; that, respondent no.1/wife herself has refused to perform matrimonial relation with the revisionist /husband; that, the learned Court below has passed an erroneous order ignoring the legal position and scope under Section 125 of the Cr.P.C. which amounts to miscarriage of



justice and hence, the impugned order is liable to be set aside.

6. Learned counsel for the respondents would submit that vide order dated 02.04.2025, the revisionist/ husband was directed to pay entire arrears of interim maintenance within 15 days and keep on paying the interim maintenance regularly; that, however, despite supplying bank account details of the respondents to the revisionist in the Trial Court, the directions of this Court has not been complied with; that, this revision is filed on frivolous grounds to escape from the liability of paying interim maintenance to the respondents; that, there is no illegality, impropriety or incorrectness in the impugned order of the learned Family Court and no irregularity in the proceedings while deciding the application under Section 125 Cr.P.C. as made in the revision, therefore, this revision may be dismissed.

7. Having considered submissions of learned counsel for the respondents and after going through the record available on file, it has been observed that there is no illegality, impropriety or incorrectness in the impugned order of the Family Court and no



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irregularity in the proceedings of the Family Court, therefore, this Court is of the considered view that it is not a fit case, in which this Court should venture into the propriety of the matter.

8. In view of the above, there is no good ground made out to interfere in the impugned order, accordingly, the revision fails and is hereby dismissed in *limine*.

**(Vivek Bharti Sharma, J.)**

04.06.2025

ss