

Court No. - 84

Case :- CRIMINAL REVISION No. - 2502 of 2025

Revisionist :- Manish Singhal

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Nikhil Kumar, Nipun Singh, Vagish Yadav, Vivek Chaturvedi

Counsel for Opposite Party :- G.A., Kabeer Tiwari

with

Case :- CRIMINAL REVISION No. - 2319 of 2025

Revisionist :- Meenakshi Singhal

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Kabeer Tiwari

Counsel for Opposite Party :- G.A., Nikhil Kumar, Vagish Yadav

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for the revisionist as well as learned opposite party alongwith learned A.G.A. for the State and perused the material on record.

The Criminal Revision No.2502 of 2025 has been filed by the husband/the revisionist with prayer to allow the revision and set aside the impugned judgment and order dated 01.03.2025 passed by the learned Principal Judge, Family Court, Muzaffarnagar in Case No.133/11 of 2022 (Minakshi Singhal and another vs. Manish Singhal) under Section 125 Cr.P.C. and Criminal Revision No.2319 of 2025 has been filed by the wife with prayer to enhance the amount of maintenance to Rs.50,000/- per month from Rs.18,000/- per month passed by the Principal Judge, Family Court, Muzaffarnagar in the same case vide its order dated 01.03.2025, Police Station Nayi Mandi, District Muzaffarnagar.

Since both the criminal revisions arose from the same judgment and order, therefore, they are being heard and decided together by common order.

It is submitted by learned counsel for the revisionist/husband that in this case opposite party no.2/wife is living separate from him without any sufficient cause. He neither treated her with cruelty nor made any demand of dowry. She was never subjected to harassment either by the revisionist or any other member of the family. The allegations made by the wife in her application u/s 125 Cr.P.C. are totally false. She lodged an F.I.R. against the revisionist u/s 498A I.P.C. with false allegations. He has already filed a case u/s 13(1)(ia) Hindu Marriage Act for divorce on the

ground of cruelty against the wife which is still pending. He also submits that he is an unemployed person and has no any business of tiles & marbles. Siddhi Tiles & Marbles firm was started by him but due to COVID-19 pandemic it came to an end and he became unemployed. The learned trial court has not considered this fact and fixed the amount of maintenance Rs.18,000/- per month in favour of wife/opposite party no.2 by making wrongful assessment of his income from the firm Siddhi Tiles. He also submits that in case u/s 13 Hindu Marriage Act the amount of interim maintenance has already been decided by the learned trial court u/s 24 Hindu Marriage Act but this fact was not disclosed by the wife in her application u/s 125 Cr.P.C. before the learned trial court. She concealed this fact knowingly and it was also not taken into consideration by the learned trial court while fixing the amount of Rs.18,000/- per month. In this way, the order passed by the learned trial court is illegal and the amount of maintenance so fixed is disproportionate to the income of the revisionist, therefore, request to set aside the order passed by the learned trial court and allow the revision.

Learned counsel for the opposite party contends that in this case the revisionist misbehaved with the opposite party no.2 and also with minor child who was living with her. The marriage of the revisionist and opposite party no.2 was performed in the year 2008 and thereafter, he started misbehaving with her. He always neglected her and threatened her to marry again with other lady. Other family members of his family also subjected her to torture and harassment. From the year 2017, he took accommodation on rent and started living there with her and the minor child. For some time he paid rent, thereafter, he left the accommodation and stopped paying the rent and other expenses though she was living there with the minor child. He also contended that now child has become major and has gone to live with the father/revisionist. He also contends that the revisionist himself has admitted during the course of cross-examination before the learned trial court that firm Siddhi Tiles is owned by him and business is being conducted by him only. The year wise turnover has also been produced before the learned trial court. The revisionist himself has admitted that year wise turn over till the year 2023-24. The business firm Siddhi Tiles is being continued by the revisionist himself though he denied this fact in his objection and stated falsely that the business came to an end due to COVID-19 pandemic and he became unemployed. The learned trial court has made deep assessment of his income on the basis of turnover of the business from the year 2018-19 to 2023-24 and then the average income of the revisionist has also been calculated at the rate of 20% and thereafter, 8% expenses on the shops of business has also been deducted and monthly income of the revisionist was found to be about Rs.59,000/- per month and out of which Rs.18,000/- per month was fixed as maintenance. The learned trial court has passed the order for the adjustment of the amount of interim maintenance or maintenance in the present case or to be received in any other case. In this way, the amount if received or being received by the wife in the present case or in any other case is subject to the adjustment in the present amount, therefore, it cannot be said that learned trial court has fixed the amount of Rs.18,000/- per month in the present case though such

amount has already been fixed in the case u/s 13 Hindu Marriage Act as interim maintenance in view of the Section 24 of the aforesaid Act which is for the time being during the pendency of that case. He also contends that the amount of maintenance Rs.18,000/- per month is less than sufficient since the accommodation in which wife is residing is on rent and she is to make payment of rent and other expenses also as the revisionist has stopped making payment of amount of rent. He also submits that matrimonial home was also sold by the revisionist after filing of the present application u/s 125 Cr.P.C. In this way, the amount so fixed in favour of the wife is liable to be increased.

Considering the facts and circumstances of the case, submissions made by learned counsel for both the parties, perusal of record and the order dated 01.03.2025 passed by the learned trial court, it appears that the opposite party no.2/wife is living apart from the revisionist in a rented accommodation which was hired by him in which he also lived till the year 2022 but thereafter, he left it and wife continued to live there with her minor child. In the accommodation the revisionist and the opposite party no.2 shifted as she was subjected to harassment by the members of the family as per the allegations made in the application u/s 125 Cr.P.C. Now the child has become major and has been handed over in the custody of the revisionist/husband and is living there. The wife is an unemployed lady and has no any source of income to maintain herself. The revisionist/husband stopped paying the rent of the accommodation and also filed a case u/s 13 Hindu Marriage Act for divorce which is still pending, it also shows the neglect on the part of the revisionist with regards to the opposite party no.2. He being husband is under legal obligation to maintain his wife who has no source of income or unable to maintain herself. So far as the income of the husband is concerned, he disclosed the fact of firm Siddhi Tiles in his affidavit but income was mentioned to be Rs.9000/- per month only from the business of the firm. During the course of cross-examination before the learned trial court he admitted clearly that his business is separate which is in the name of Siddhi Tiles and he is sole-owner of Siddhi Tiles and his per month turnover is about Rs.1,50,000/-, some times it increases and some times it decreases. The details of turnover from the year 2018-19 to 2023-24 has also been filed on record on the basis of G.S.T. which he admitted during his cross-examination. Learned trial court has calculated the yearly turnover for a period of 5 years and then got the average turnover. It assessed his income about 20% per year and divided it into months and then after deducting 8% as expenses of the shop the amount of monthly income was found to be Rs.59,000/-. The learned trial court has fixed the amount of Rs.18,000/- per month as maintenance in favour of wife who is living separate from him in rented accommodation cannot be said to be more than sufficient and on the other hand it can also not be said to be less than sufficient.

In considered opinion of this Court, there appears no any illegality or impropriety in the order passed by the learned trial court in fixing the amount of maintenance Rs.18,000/- per month from the date of application. The learned trial court has also directed that the amount of interim maintenance or maintenance received by the

wife in the present case or in any other case or it being received by her as maintenance shall also be subject to adjustment in the present amount of maintenance. In this way, there appears no any illegality or impropriety in the order dated 01.03.2025 passed by the learned trial court, therefore, it does not warrant any interference by this Court.

Accordingly, both the criminal revisions are, hereby, ***dismissed.***

Order Date :- 12.8.2025

Ashok Gupta