



2025:AHC:167275

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4175 of 2025

Vikrant Kakraan

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rahul Mishra, Suresh Chandra Mishra
Counsel for Opposite Party(s)	:	Ankit Kumar Yadav, G.A.

and

CRIMINAL REVISION No. - 2797 of 2025

Smt. Ekta And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Kripa Shanker Mishra, Satendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE SUBHASH CHANDRA SHARMA, J.

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

The Criminal Revision No.4175 of 2025 has been filed by the husband/revisionist with prayer to quash the impugned judgment and order dated 29.04.2025 passed by Additional Principal Judge, Family Court, Court No.1, Muzaffarnagar in Case No.614/11 of 2019 (Smt. Ekta and another vs. Vikrant Kakraan) filed u/s 125 Cr.P.C. and also prays to stay the effect and operation of the order dated 29.04.2025 and Criminal Revision No.2797 of 2025 has been filed by wife/revisionist with prayer to allow the revision and set aside the judgment and order dated 29.04.2025 passed by the Additional Principal Judge, Family Court, Court No.1, Muzaffarnagar in Case No.614/11 of 2019 (Smt. Ekta and another vs. Vikrant Kakraan) up to the

extent the learned court below not awarded the maintenance amount of Rs.50,000/- per month to the revisionist.

Since both the criminal revisions have been preferred against the same judgment and order, therefore, they are being heard and decided together.

It is submitted by learned counsel for the revisionist that in this case the opposite party no.2 is wife and opposite party no.3 is minor daughter of the revisionist. Further submits that the marriage of opposite party no.2 and revisionist was performed in the year 2013 and the daughter was born with the wedlock. The opposite party no.2/wife herself misbehaved with the revisionist and other members of his family including his old parents. He continued to bear but at last she left her matrimonial house in the year 2019 and started living separate from him. She filed an application u/s 125 Cr.P.C. which was decided by the learned trial court by order dated 29.04.2025 fixing the amount of maintenance Rs.7000/- per month in favour of wife and Rs.4000/- per month in favour of minor daughter, total Rs.11,000/- per month. He also submits that there is no any regular source of income of the revisionist. The revisionist is dependent on his parents but later on opposite party no.2 made false allegations against his father that was the reason he was expelled from his house and no share in property was given to him. Now he is unemployed and having no source of income. The learned trial court without making proper assessment of the income of the revisionist fixed the amount as aforesaid which is disproportionate and beyond paying capacity of the revisionist, therefore, request to set aside the order passed by learned trial court dated 29.04.2025 and to reduce the amount so fixed.

Learned counsel for the opposite party as well as learned A.G.A. opposed the prayer as aforesaid and contended that the revisionist himself and other members of his family subjected the opposite party no.2 to harassment after daughter was born to her. The revisionist neglected her to maintain and also his behaviour was changed. She was also beaten by him that was the reason on 06.06.2019 she came to her house with the help of her brother and police. From the year 2020 the revisionist has not paid any amount either to her or to the minor daughter for their maintenance. The father of the revisionist owns 125 bighas agricultural land and he himself works as property dealer and makes handsome income. It is also contended that though the revisionist says himself to be unemployed and expelled from the house by his parents but it is only for the purpose of depriving the wife/opposite party no.2 from her right to maintenance. The details of bank account of the revisionist was also filed by the wife before the learned trial court which is related to the year 2012-2021 showing the transactions of huge amount in his account. Several sale deeds were also produced by the opposite party no.2 before the

learned trial court showing selling and purchase of land by the revisionist himself. In this way, the revisionist has concealed his actual income before the learned trial court. The learned trial court fixed the amount of maintenance Rs.7000/- per month in favour of wife and Rs.4000/- per month in favour of minor daughter, total Rs.11,000/- per month which is less than sufficient and disproportionate to the income of the revisionist, therefore, it is likely to be increased.

Considering the facts and circumstances of the case, submissions made by learned counsel for both the parties as well as learned A.G.A., perusal of record and the order dated 20.04.2025, admittedly the marriage between the revisionist and opposite party no.2 was performed in the year 2013 and a female child was born from the wedlock. The wife/opposite party no.2 is living apart from the revisionist from 06.06.2019 as a result of misbehaviour and ill-treatment on the part of the revisionist. Since then no any amount for maintenance is being paid either to the wife or minor child. Though the revisionist has not disclosed his actual income in the affidavit regarding assets and liabilities and told himself to be unemployed having no any source of income but record shows the detail of bank account of the revisionist as filed by the wife relating to the year 2012-2021 showing credit of huge amount which is in several lakhs. It establishes that there are monetary transactions being done by the revisionist himself but he has not disclosed this fact before the learned trial court but knowingly concealed it.

So far as the statement of the revisionist that he has been expelled by his father in the year 2019 is concerned and the argument that the amount credited in the account of revisionist was received by selling the land of father and it was deposited in his account, cannot be said to be reliable since he was expelled by his father and was ousted from the property. Several sale deeds were also produced by the wife/opposite party no.2 showing selling and purchase of the land by the revisionist himself. These facts show that revisionist himself has sufficient means for earning out of which Rs.7000/- per month in favour of wife and Rs.4000/- per month in favour of minor daughter cannot be said to be excessive or more than sufficient, therefore, there appears no any illegality or impropriety in the order dated 29.04.2025 passed by the learned trial court but this revision being devoid of merit is liable to be dismissed.

Likewise the Criminal Revision No.2797 of 2025 is, hereby, dismissed with an option to the wife/opposite party no.2 to get the amount of maintenance enhanced by moving an application u/s 127 Cr.P.C./145 B.N.S.S. before the learned court concerned.

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

September 18, 2025
Ashok Gupta

(Subhash Chandra Sharma,J.)