



2025:AHC:175024

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5936 of 2025

Manish

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Hiralal
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 A.G.A. and perused the material on record.

This criminal revision has been filed with a prayer to allow the revision and set aside the judgment and order dated 29.07.2025 passed by the learned Principal Judge, Family Court, Jaunpur, in Case No. 2190 of 2023 (Madhubala Vs. Manish) under Section 125 of Cr.P.C. and further prays to stay the effect and operation of the aforesaid order.

It is submitted by learned counsel for the revisionist that in this case opposite party no. 2 is wife who is living separate from him without any sufficient cause. He further submits that marriage was performed in the year 2018 and from the very outset she was misbehaving with the revisionist and other members of his family. His father remains ill. She left his house and started living in her maika after getting enraged with him. As a result of distress in the family his father suffered brain hemorrhage and the revisionist was also expelled from his job. Now, he is unemployed and is not able to make any earning but living in the house and serving his father. He also submits that he is ill and is also undergoing treatment, therefore, he is not in a position to make any earning and to make payment of amount of maintenance to the wife. He further submits that she filed an application under Section 125 Cr.P.C. with an application for interim maintenance which was allowed by the learned trial court fixing the amount of Rs. 5,000/- per month in favour of wife by order dated 29.07.2025 that is excessive and beyond his paying capacity, therefore, request to set aside the order dated 29.07.2025 and to

reduce the amount since the opposite party no. 2/the wife is also highly qualified having M.B.A. degree and she is able to maintain herself by making earning.

Learned A.G.A. opposed the prayer as aforesaid.

On considering the facts and circumstances, submissions made by learned counsel for the revisionist as well as learned A.G.A. and perusal of record, the order passed by the learned trial court dated 29.07.2025, it appears that the revisionist and opposite party no. 2 are husband and wife. Due to neglect on the part of the revisionist she is living apart from him. She has stated in her application that though she is M.B.A. degree holder but after marriage she is doing nothing and has no any independent income and is unable to maintain herself. On the other hand, the revisionist is said to be software engineer and having income of Rs. 2,50,000/- per month but there is nothing on record to show that he is making any such income. The father of the revisionist is ill and the revisionist is also suffering from several diseases. As per service certificate of the revisionist he was working in Invenio Business Solutions from the year 2014 to 2023. In absence of any material regarding income of the revisionist the learned trial court has fixed the amount of interim maintenance Rs. 5,000/- per month in favour of wife against the revisionist. This amount cannot be said to be excessive or more than sufficient for maintenance of wife. In this way, there appears no any illegality or impropriety in the order passed by the learned court dated 29.07.2025, therefore, it does not require any interference by this Court but this criminal revision being devoid of merit is liable to be dismissed.

Accordingly, this criminal revision is, hereby, ***dismissed***.

September 26, 2025

Suraj Srivastav

(Subhash Chandra Sharma,J.)