



2025:AHC:175572

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5334 of 2024

Sadiq

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Jai Prakash Prasad
Counsel for Opposite Party(s)	:	Amir Khan, G.A.

Court No. - 91

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Jai Prakash Prasad, learned counsel for the revisionist, Sri Amir Khan, learned counsel for the opposite party no.2 and learned AGA for the State.

2. The present revision has been filed against the order dated 30.08.2024 passed by the learned Principal Judge, Family Court, Aligarh in Criminal Case No. 839 of 2024 (Smt. Tasleem Vs. Sadiq) whereby the application filed by the revisionist under Section 127 Cr.P.C. has been rejected and a recovery warrant has been issued against him.

3. Learned counsel for the revisionist states that he had moved the application under Section 127 Cr.P.C. mainly on the ground that the opposite party nos. 3 and 4 namely Naved and Rashid Siddique have attained the age of majority and are more than 20 years of age, now they are doing job and getting handsom salary from which . Therefore, they are not entitled to receive any maintenance.

4. Learned counsel for the opposite party no.2 submits that the opposite party no. 2 has filed an application before the trial court under section 128 Cr.P.C against the revisionist for recovery of arrears of maintenance, which the revisionist has failed to pay. He further submits that the trial court while deciding the application under Section 125 Cr.P.C. had itself granted maintenance to the opposite party nos. 3 and 4 namely Naved and Rashid Siddque till their attaining the age of majority. Therefore, there is no occasion to the revisionist to file application under Section 127 Cr.P.C on

the ground of their attaining the majority.

5. I have heard the learned counsel for the both parties and perused the record.

6. Considering the facts and circumstances of the case, a perusal of the order dated 13.3.2024, which was passed under Section 125 Cr.P.C. reflects that the trial court has directed the revisionist to pay the maintenance allowances to both sons namely Naved and Rashid Siddique till they attain the age of majority. Hence, the revisionist had no occasion to file the application under Section 127 Cr.P.C. on that ground. The application under Section 127 Cr.P.C. can be filed only in case of change in circumstances for alteration in the amount of maintenance. The amount which has been claimed by the opposite party nos. 3 and 4 was by way of arrears toward non-payment of maintenance amount during the period they had not attained the age of majority. Since the learned court below has itself provided maintenance to the opposite party No. 3 and 4 till their attaining the age of majority, that order would no longer remain operative on the opposite party Nos. 3 and 4 becoming major. Moreover, no document has been submitted by the revisionist before trial court regarding their job and all these facts were duly considered by the trial, therefore, there is no reason for this Court to allow the same. There is no illegality in the order passed by the trial court under Section 127 Cr.P.C. so as to require interference by this Court.

7. Accordingly, the instant criminal revision is **dismissed**.

September 26, 2025
Akbar

(Madan Pal Singh,J.)