Sr. No.46

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM(M) 504/2024 CrlM(1158/2024)

FAROOQ AHMAD SHAH …Petitioner(s)/appellant(s)

Through: Mr. S. A. Qadri, Advocate

Vs.

TASLEEMA AKHTER ...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

O R D E R

07-07-2026

1. The petitioner through the medium of present petition has challenged order dated 29.03.2023 passed by learned Judicial Magistrate 1st Class, Anantnag, whereby in a petition filed by respondent against the petitioner under Section 125 of the Cr.P.C, the petitioner has been directed to pay interim maintenance of Rs. 3,000 per month.

2. Heard learned counsel for the petitioner and perused the record.

3. The petitioner has assailed the impugned order passed by the learned trial Magistrate on the grounds that at the time when marriage between the petitioner and the respondent was solemnized on 13thSeptember 2015, the respondent was already married to one Abdul Ahad Mir, who has died on 24.11.2017. It has been submitted that the Nikahnama on which the respondent has placed reliance before the learned trial magistrate is fake. It has been further submitted that the petitioner who is serving in Police Department has two major daughters and a son, who are highly qualified, and the proceedings before the learned trial magistrate are causing unnecessary harassment to him. It has been further submitted that the learned trial Magistrate has not considered the objections filed by the petitioner while passing the impugned order.

4. The main ground for challenging the impugned order, that has been projected by the petitioner, is that he has not entered into wedlock with the respondent and, therefore, she is not his wife.

5. If we have a look at the reply filed by the petitioner before learned trial Magistrate, he has submitted that at the time of execution of Nikahnama on 13th September 2015, it was agreed that the petitioner will be given the status of "Khanadamad", but the said status was not given to him, as a result of which the respondent entered into wedlock with another person, namely Abdul Ahad Mir. From the objections filed by the petitioner, it can prima facie be inferred that the petitioner has entered into wedlock with the respondent, but his only grievance is that he was not given the status of "Khanadamad".

6. The issue whether or not the Nikahnama is fake or whether at all the petitioner has entered into wedlock with the respondent is a matter of trial, and as such, the said issue cannot be determined by this Court in these proceedings. Till such time the veracity and authenticity of the Nikahnama that has been relied upon by the respondent before the trial court is determined, the respondent cannot be left to fend for herself. Therefore, the trial magistrate has rightly granted interim maintenance in favor of the respondent.

7. Yet another aspect which needs to be noticed is that the petitioner has admitted that he is an employee of the police department. Therefore, it can safely be inferred that the petitioner is earning a handsome income, but still then the learned Magistrate has granted only Rs. 3,000/- as interim maintenance in favor of the respondent, which having regard to the cost of living, appears to be very meagre. Instead of feeling satisfied with the said order, the petitioner has invoked revisional jurisdiction of this Court, which appears to be nothing but an abuse of process of law.

8. For the foregoing reasons, I do not find any merit in the petition. The same is, accordingly, **dismissed**.

(SANJAY DHAR)
JUDGE

SRINAGAR
7th July, 2026
Aamir