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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL REVISION APPLICATION NO.226 OF 2026
WITH
CRIMINAL APPLICATION NO.3671 OF 2026**

Ashutosh Suresh Zare

....APPLICANT

VERSUS

Harshada Ashutosh Zare

....RESPONDENT

**AND
CRIMINAL REVISION APPLICATION NO.227 OF 2026**

Ashutosh Suresh Zare

....APPLICANT

VERSUS

Harshada Ashutosh Zare

....RESPONDENT

.....
Mr Kashyam Ashok Shinde, Advocate (appointed) for Applicant
Mr V. P. Sawant, Advocate (appointed) for Respondent

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 08th SEPTEMBER 2026

P. C. :

1. By way of Criminal Revision Application No.226/2026, the applicant-husband is praying for quashing and setting aside the judgment and order dated 20/06/2026, passed in Petition No. E-100/2023 by the learned Family Court, Dhule. In the said Petition

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No.E-100/2023, the respondent-wife sought enhancement of maintenance under Section 127 of the Code of Criminal Procedure (Cr.P.C.), awarded earlier in her favour vide order dated 10/12/2015, passed by the learned Judicial Magistrate First Class, Dhule in Criminal Miscellaneous Application No.3/2014, filed under Section 125 of the Cr.P.C., wherein maintenance of Rs.3,000/- per month each was granted to the wife and the elder son, Ninad.

2. Further, by way of Criminal Revision Application No. 227 of 2026, the applicant-husband is challenging the judgment and order dated 20/06/2026, passed by the learned Family Court, Dhule, in Petition No.E-105/2023, whereby the application preferred by the present applicant/husband under Section 127 of the Cr.P.C., seeking cancellation/modification of the maintenance order in favour of respondent/wife and son, passed in Criminal Miscellaneous Application No.3/2014, came to be dismissed.

3. The marriage between the applicant/husband and the respondent/wife was solemnized on 29/06/2012. Out of the said wedlock, the couple is having two children. It was alleged that, after marriage, applicant/husband was given ill-treatment to respondent/wife. Therefore, respondent/wife left the matrimonial

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house. Initially, prior to the birth of the second minor child, the respondent/wife had preferred an application bearing Criminal Miscellaneous Application No.3/2014, before the learned Judicial Magistrate First Class, Dhule, under Section 125 of the Cr.P.C., claiming maintenance for herself and her elder son, Ninad. The learned Judicial Magistrate First Class, vide order dated 10/12/2015, allowed her application, thereby granting maintenance of Rs.3,000/- p.m. each to both respondent/wife and the elder son Ninad.

4. Thereafter, a compromise was taken place between the parties, and the respondent/wife returned to cohabit with the applicant/husband. Thereafter, the second child came to be born. However, again a dispute arose between the parties. Therefore, the respondent/wife left the matrimonial house and started residing separately along with her second child Rudrang, whereas the elder son is residing with the applicant/husband.

5. After the order dated 10/12/2015, passed by the learned Judicial Magistrate First Class in Criminal Miscellaneous Application No.3/2014, the respondent/wife preferred Petition No.E-100/2023 under Section 127 of the Cr.P.C before the learned Family Court, Dhule, claiming enhancement of maintenance earlier granted by

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learned Judicial Magistrate. The learned Family Court, vide order dated 20/06/2026 allowed the application, thereby directing the applicant/husband to pay maintenance of Rs.7,000/- p.m. to the respondent/wife. Thus, the maintenance of the respondent/wife came to be enhanced from Rs.3,000/- p.m. to Rs.7,000/-. Feeling aggrieved by the said enhancement, the applicant/husband has approached this Court by filing the Criminal Revision Application No. 226 of 2026.

6. In Criminal Revision Application No. 227 of 2026, the applicant/husband is challenging the order dated 20/06/2026, passed in Petition No.E-105/2023, whereby the learned Family Court rejected application under Section 127 of the Cr.P.C. preferred by him, seeking cancellation and modification of maintenance passed in favour of respondent/wife and minor child.

7. Heard learned Advocate Mr Shinde for applicant/husband and learned Advocate Mr Sawant for respondent/wife at length. Both the Advocates are appointed by this Court through the High Court Legal Services Sub-Committee, Aurangabad to represent on behalf of applicant and respondent, respectively.

8. Learned Advocate for applicant submits that, the learned Family Court committed a grave error in exorbitantly enhancing the

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maintenance, without properly considering financial condition of applicant. He then submits that the applicant/husband was working as an Assistant Professor initially. However, his job could not be continued with the said institution, and thereafter, he started his own business under the name and style of 'Ninad Solutions Limited'. The earlier proceedings was filed in the year 2014 before the learned Judicial Magistrate First Class, Dhule, wherein maintenance was granted @ Rs.3000/- each to the respondent/wife and son.

9. Learned Advocate for applicant further submits that, after a temporary compromise, disputes arose again, and the respondent/wife left the matrimonial house once again with the second child Rudrang. He then submits that, after leaving his job, the income of the applicant/husband from the business, is not sufficient to meet the maintenance charges towards respondent/wife and son. He points out from the Income Tax Returns filed by the applicant/husband before the learned lower Court that, income of the applicant is between Rs.2,00,000/- to Rs.3,00,000/- per annum. He then submits that he has to maintain his elderly parents and his elder son Ninad, who suffers from various health issues including visual impairment. He then submits that, as the financial condition of the applicant/husband is not so good, this aspect is required to be taken into consideration by this

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Court. He, therefore, prays for allowing these criminal revision applications by reducing the maintenance amount awarded by the learned Family Court.

10. Per contra, Mr Sawant, Advocate for the respondent/wife strongly opposes the present criminal revision applications. He states maintenance amount awarded in the year 2015 by learned Judicial Magistrate is wholly inadequate and the amount of maintenance granted by the learned Family Court is correct and proper and requires no interference by this Court. He submits that the respondent/wife is staying with her minor child Rudrang, and consequently, an amount of Rs.7,000/- p.m. is sufficient for maintaining themselves. He, therefore, prays for dismissal of these revision application by maintaining the impugned order passed by the learned Family Court.

11. After hearing the learned Advocates for the parties and going through the record, I found that the family Court has rightly analyzed the oral and documentary evidence presented by both the parties. Though applicant/husband heavily relies upon his financial condition showing his responsibilities to maintain his parents and medical expenses of son Ninad, and contending that enhanced maintenance amount is excessive and exorbitant, it is found that the

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amount of maintenance of Rs.7,000/- granted by the Family Court is reasonable. The maintenance of Rs.7,000 per month is quite adequate and proper for the respondent-wife and her child. The said order cannot be said to be excessive or exorbitant. The applicant/husband is an engineer and running a business. The amount of Rs.7,000/- cannot be said to be overly burdensome for him to maintain the respondent/wife and the second child. Admittedly, the applicant/husband has responsibilities toward his parents and elder son, but that does not relieve him of his duty to maintain his wife and second child. Therefore, both these revision applications can be disposed of by upholding the order passed by the learned Family Court. This Court is not inclined to entertain these revision applications, as the findings of the learned Family Court appear legally correct and proper, requiring no interference. The scope of jurisdiction under Section 397 of the Cr.P.C. is extremely limited and is to be exercised sparingly only to prevent a miscarriage of justice. Hence, both the Criminal Revision Applications stand dismissed.

12. In view of dismissal of revision applications, Criminal Application No.3671/2026 in Criminal Revision Application No.226/2026 does not survive and the same is also disposed of.

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13. Since both learned Advocates for applicant and respondent are appointed through the High Court Legal Services Sub-Committee, Aurangabad, their fees shall be calculated and paid to them as per rules.

[SUSHIL M. GHODESWAR, J.]

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