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**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL REVISION No. - 891 of 2025**

Vijay Kumar

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite  
Party(s)

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| Counsel for Revisionist(s)    | : | Vivek Kumar Yadav    |
| Counsel for Opposite Party(s) | : | G.A., Sadhana Maurya |

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**Court No. - 88**

**HON'BLE ACHAL SACHDEV, J.**

1. Heard learned counsel for the revisionist, learned counsel for the opposite party no.2 and learned AGA for the State are present.

2. Present revision has been filed by the revisionist against the judgment and order dated 23.12.2024, passed by the learned Additional Principal Judge, Family Court Ist, Jaunpur, in Case No.997 of 2021(CNR No.UPJP20016842021)(Neetu Yadav Vs. Vijay Kumar), by which the application under section 125 Cr.P.C., moved by the opposite party nos.2 & 4, was partly allowed and the revisionist was directed to pay Rs.4000/- per month to the opposite party no.2/wife and Rs.2000/- per month to the opposite party no.3/minor son, as maintenance, from the date of application i.e. 16.07.2021.

3. Learned counsel for the revisionist submits that the opposite party no.2 is not the wife and only the engagement between the revisionist and opposite party no.2 was held on 26.05.2017 according to Hindu Rites and Rituals and date was fixed for marriage for 04.12.2017 with the consent of both the parties. He further submits that one Pramod Kumar Yadav came to the house of the revisionist and said that he was in relationship with opposite party no.2/Neetu Yadav and if the revisionist will marry the opposite party no.2 he will make the objectional videos of opposite party no.2 viral. Thereafter, the revisionist refused to marry with opposite party no.2 and the family of both the parties came to the conclusion that the marriage fixed for 04.12.2017 between the revisionist and opposite party no.2 be cancelled on 28.08.2017

and the expenses of the engagement of Rs.50,000/- was returned by the revisionist through the bank account of revisionist mother No.33828691708 to the bank account of the father of opposite party no.2 No.20049881482. Thereafter, the marriage of opposite party no.2 was solemnized with said Pramod Kumar Yadav (her boyfriend) on 14.04.2018 and they are now living as husband and wife and with their wedlock the one male child was born on 04.02.2019, namely Aarav Yadav/opposite party no.3.

4. Learned counsel for the revisionist further submitted that the opposite party no.2 falsely lodged the first information report on 07.07.2021 against the revisionist being Case Crime No.116 of 2021, under sections 498-A, 323, 504, 506, 494, IPC and section 3/4 D.P. Act. Thereafter, the opposite party no.2 also filed a suit No.997 of 2021, under section 125 Cr.P.C. for maintenance on 16.07.2021 against the revisionist. The revisionist filed his reply on 13.01.2022 in the said proceeding under section 125 Cr.P.C., where denied the allegations of opposite party no.2. Thereafter, the opposite party no.2 filed her counter reply on 03.08.2023. The opposite party no.2 in support of her marriage with the revisionist has made a forged marriage invitation card as well as invitation list dated 26.05.202017. The learned trial court recorded the statement of the opposite party no.2, as P.W.-1 and recorded the statement of mediator as P.W.-2 and also recorded the statements of the revisionist as D.W.-1, D.W.-2 Kamla Prasad Yadav, D.W.-3 Hirqawati (Mother of the revisionist) and illegally passed the impugned order dated 23.12.2024 granting maintenance to the opposite party nos.2 and 3.

5. On the other hand, learned counsel for the opposite party nos.2 and 3 has vehemently opposed the aforesaid argument of learned counsel for the revisionist and submitted that learned trial court has rightly passed the impugned order after hearing both the parties and considering the claim of the opposite party no.2, objection filed by the revisionist and counter

objection filed by the opposite party no.2 before the trial court concerned. It is further submitted that at the wedding, opposite party no.2's parents had gifted the revisionist Rs.1 lakh in cash and other household items, etc. but after the marriage, the revisionist and his family demanded Rs.2 lakh and a Motorcycle as additional dowry and harassed the opposite party no.2 for not fulfilling the demand. Meanwhile, on 06.07.2021, the revisionist secretly married another woman, on the other hand the opposite party nos. 2 and 3 are confined to the paternal home of the opposite party no.2 since August 2019.

6. Learned counsel for the opposite party nos.2 and 3 further contends that the revisionist lives in Saudi Arabia and earns a good living, earning a monthly income of Rs.1 lakh. He has a farm at home from which he is earning additional income. Parents of the opposite party no.2 are very poor and unable to support her and opposite party no.3. Additionally, opposite party no.2 is also poorly educated and lacks any skills to support herself and her child.

7. Perusal of the impugned order dated 23.12.2024 shows that the learned trial court allowed the maintenance application u/s 125 Cr.P.C. moved by the opposite party nos.2 and 3, primarily on the ground that after the examination of oral and documentary evidence it was concluded that opposite party no.2 is the married wife of the revisionist. Since opposite party no.3 was born during the subsistence of the marital relationship between the parties and it is also concluded that opposite party no.3/minor son is the child of both parties. It has also been proven that the revisionist harassed opposite party no.2 for additional dowry demands and the court took cognizance of the charge sheet filed against the revisionist and his family under sections 498-A, 323, 504, 506, 494 of the Indian Penal Code and 3/4 of the D.P. Act, in FIR No.116 of 2021 and summoned the revisionist/accused for trial under the aforementioned sections. This gives credence to the opposite party no.2's allegation made in the application

under section 125 of the C.r.P.C that she was harassed by the revisionist and his family for additional dowry demands. No documentary or oral evidence has been filed by the opposite party no.2 from which a clear assessment of the revisionist income can be made. It is pertinent to mention that although the revisionist has denied the paternity of opposite party no.3, but he did not make any attempt before the trial court to have DNA test conducted to challenge the paternity of opposite party no.3. In the circumstance, the finding of trial court that opposite party no.2 is the wife and opposite party no.3 is the son of the revisionist. Therefore, the finding of the trial court concerned cannot be disturbed. Learned trial court has placed reliance in the case of **Savitaben Somabhai Bhatia v. State of Gujarat (2005) 3 SSC 636, in which** The Hon'ble Supreme Court has given a judicial decision that it is the husband's duty to maintain his wife. He cannot be allowed to plead that he is unable to earn a living and is unable to support her due to financial constraints. Keeping in light the guidelines of **Rajnesh v. Neha (2021) 2 SCC 324**, the learned trial court concerned directed the revisionist to pay Rs.4000/- per month to opposite party no.2/wife, and Rs.2,000/- per month to opposite party no.3/minor son, till he attains majority, from the date of filing of the suit, i.e., 16.07.2021, totalling Rs.6,000/- per month. The learned trial court impugned order is very well reasoned and justified, therefore, warrants no interference by this Court.

8. In the light of the aforesaid discussion, the impugned judgment and order dated 23.12.2024, passed by the learned Additional Principal Judge, Family Court Ist, Jaunpur, in Case No.997 of 2021(CNR No.UPJP20016842021)(Neetu Yadav Vs. Vijay Kumar), under section 125 Cr.P.C., needs no interference by this Court and the present revision is liable to be dismissed.

9. Accordingly, the present revision is hereby **dismissed**.

**May 13, 2026**  
VKG

**(Achal Sachdev,J.)**