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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2558 of 2024

Chiranjiv Prasad

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Rahul Kumar Jadaun

Counsel for Opposite Party(s) : Ashwani Kumar Mishra, G.A., Sandeep
Kumar Keshari, Vivek Srivastava

Court No. - 88

HON'BLE ACHAL SACHDEV, J.

1. Supplementary affidavit filed on behalf of the opposite party no.3 alongwith order dated 11.08.2025 passed by the Principal Judge, Family Court, Basti, today in the Court, is taken on record.
2. Heard learned counsel for the opposite party no.3, Learned counsel for revisionist and learned AGA for the State are present.
3. The present criminal revision has been preferred by the opposite party no.3, under Section 397/401 Cr.P.C. read with section 96(4) of Family Court Act against the Judgment and order dated 14.03.2024 passed by Additional Principal Judge, Family Court, Basti in Maintenance Case No.277 of 2019 (Smt. Anuradha Vs. Chiranjeev Prasad), u/s 125 Cr.P.C. by which the revisionist has been directed to pay maintenance to the tune of Rs.10,000/- per month to opposite party no.3, from the date of application i.e. 14.07.2019 till 08.02.2024, on account of her securing a government teacher job in Bihar from 09.02.2024.
4. The order dated 11.08.2025 passed by the Principal Judge, Family Court, Basti shows that the opposite party no.3 received Rs.30,772/- in excess and the same has been refunded to the revisionist via cheque no.430298 dated 09.08.2025 and the revisionist made the endorsement that no proceedings are pending between the parties.

5. Learned counsel for the revisionist/husband submits that the revisionist married the opposite party no.3/wife on 22.05.2017 according to Hindu rites and rituals and without any dowry. On December 14, 2018, the opposite party no.3 left the revisionist's home under the false pretext of studying for a competitive exam and returned to her parents' home with her father. Since then, she has refused to return to the house of revisionist. The revisionist wished to keep the opposite party no.3 with him and has undergone several mediation to achieve the same. Vide impugned order dated 04.12.2024, learned family court has partially allowed the application of the opposite party no.3 illegally and arbitrary and directed the revisionist to pay Rs.10,000/- per month to opposite party no.3 as maintenance from the date of the application, i.e. 14.07.2019 till the date 08.02.2024, on account of her securing a government teacher job in Bihar from the date 09.02.2024. Learned counsel for the revisionist/husband further submits that the opposite party no.3 in her cross examination herself admitted that after the marriage all her educational and coaching expenses were borne by the revisionist, which indicate his sincerity and effort to support her wife i.e. opposite party no.3. She has been working as a government teacher in Bihar since 09.02.2024, thus is earning enough to support herself, therefore, the order of the learned court directing to pay the maintenance amount of Rs.10,000/- per month to the opposite party no.3 from the date of application till the date 08.02.2024 is illegal and liable to be set-aside. The act of the opposite party no.3 indicates that she has been living separately without any reasonable grounds.

6. Learned Counsel for the revisionist further contends that the learned trial court concerned fixed an excessive and exorbitant amount as maintenance without considering the fact that the revisionist has paid Rs.5,32,000/- towards maintenance till 30.03.2024 by way of automatic deduction against total maintenance of Rs.5,40,000/-, ordered by learned trial court. The automatic deduction at the rate of Rs.23,000/- per month since the order of learned trial court is under challenge in pending Application u/s 482 Cr.P.C.

No.1727/2021 (Chiranjiv Prasad Vs State of U.P. & Another).

7. Learned Counsel for the revisionist further contends that revisionist has preferred the present revision on the ground that the learned trial court by impugned order dated 14.03.2024 has ignored the legal mandate given in the case and did not appreciate the evidence that the opposite party no.3/wife left the revisionist without any reasonable cause and refused to maintain physical relations as a wife. It is well settled law with respect to maintenance under Section 125(4) of Cr.P.C. which provides that no wife shall be entitled to receive an allowance for the maintenance, if she without any sufficient reason, refuses to live with her husband or if they are living separately by mutual consent. Opposite party no.3 did not submit declaration-affidavit with respect to her asset and income certificate in compliance of the judgment passed by the Hon'ble Supreme Court in the case of **Rajnish vs. Neha (2021) 2 SCC 324**.

8. On the other hand, learned counsel for the opposite party no.3 vehemently opposed the arguments advanced by the counsel of the revisionist and submit that the revisionist and his family were dissatisfied with the dowry received at marriage and were adamant with their demand to receive a swift desire car as dowry too. From the very next day of her departure, the revisionist/husband and his family started harassing and torturing the opposite party no.3 for not getting a swift desire car as dowry and started taunting, abusing, and beating her. The revisionist/husband has an illicit relationship with a girl named Sushila and even claimed that he intends to marry her and establish a family. The opposite party no.3 has lodged a first information report against her in-laws, which was registered as Case Crime No.356 of 2019, u/s 498-A, 323, 504, 506, 316, IPC and section 3/4 of D.P. Act, Police station Kotwali, District Basti.

9. Learned counsel for the opposite party no.3 further contends that the opposite party no.3 was an educated, unemployed woman with no source of income till 08.02.2024. She was dependent on her parents, and their parents are also unable to support her and she was forced to live a miserable life. On

the other hand revisionist is employed as a clerk, drawing a monthly salary of approximately Rs.50,000/-, but spends all his earnings on the same girl named Sushila. Relying on the case of **Chaturbhuj vs. Sitabai, Appeal (Crl.) 1627 of 2007** passed by Hon'ble Supreme Court, it is averred that a woman who is separated from her husband can request maintenance from him even if she is earning a monthly income, as long as it is not sufficient for her to support herself.

10. Perused of the record as well as aforesaid arguments advanced by learned counsel for the parties, this Court is of the view that in the light of the judgment of Hon'ble Supreme Court, in the case of **Captain Ramesh Chander Kaushal Vs. Mrs. Veena Kaushal, (1978) 4 SCC 70** it was held that the maintenance is a measure of social justice and the social necessity ends. Keeping in view that the opposite party no.3 had no prior source of income and livelihood before securing a government job on 09.08.2024 and the amount awarded by the learned trial court concerned as maintenance is in accordance with the standard of living of the opposite party no.3 and revisionist is well under power to pay the maintenance to the opposite party no.3, from the date of application i.e. 14.07.2019 till 08.02.2024, therefore, the learned trial court impugned order is very well reasoned and justified, hence, warrants no interference by this Court.

11. In the light of the aforesaid discussion, the impugned Judgment and order dated 14.03.2024 passed by Additional Principal Judge, Family Court, Basti in Maintenance Case No.277 of 2019 (Smt. Anuradha Vs. Chiranjeev Prasad), u/s 125 Cr.P.C., needs no interference by this Court and the present revision is liable to be dismissed.

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

May 14, 2026
VKG

(Achal Sachdev,J.)