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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4829 of 2024

Sundaram Goswami

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Girja Shanker Sen, Krishna Dutt Awasthi
Counsel for Opposite Party(s) : Ashutosh Upadhyay, G.A.

Court No. - 88

HON'BLE ACHAL SACHDEV, J.

1. Ms. Alka Upadhyay, learned counsel for the revisionist, Sri Ashutosh Upadhyay, learned counsel for opposite party no.2 and learned AGA for the State are present.

2. Present criminal revision under section 397/401 Cr.P.C. has been preferred by the revisionist against the impugned judgment and order dated 20.07.2024, passed by Additional Principal Judge, Family Court, Budaun, in Criminal Misc. Application No.306 of 2020 (Smt. Neelam Vs. Sunderam Goswami), under section 125 Cr.P.C., Police Station Faizganj Behta, District Budaun, by which the learned trial court has allowed the application of the opposite party no.2/wife, filed under section 125 Cr.P.C. and directed the revisionist/husband to pay Rs.10,000 to the opposite party no.2 from the date of filing application, under section 125 Cr.P.C. i.e. 24.02.2020.

3. Learned Counsel of the revisionist submits that the marriage between the revisionist and opposite party no.2 was solemnized on 15.02.2015 in accordance with the Hindu Rites and Rituals. The parents of the opposite party no.2 did not give any dowry in the marriage, rather the revisionist's family members gifted jewellery of worth Rs.2 lacs and clothes, sarees etc. of worth Rs.1 lacs. Opposite party no.2 never respected the revisionist's parents and other family members and refused to cook food for the revisionist's family and insisted the revisionist to live separately. Thereafter,

the revisionist kept the opposite party no.2 in a separate house away from his family to avoid quarrels, where also she did not do any household work and did not cook food and when the revisionist complained to her parents and brothers they took her side and said that she is short tempered since childhood. Subsequently, with the consent of the father of Opposite Party No. 2, she was taken to a psychiatrist for evaluation; however, no improvement was observed in her behaviour.

4. Learned counsel for the revisionist further submits that being aggrieved with the behaviour of opposite party no.2/wife the revisionist filed a suit under section 9 of the Hindu Marriage Act, 1955, before the learned Family Court, for settling the dispute with his wife. Thereafter, due to daily quarreling between the husband and wife, the parents of the revisionist evicted the revisionist from all their movable and immovable property and published a news item in the daily newspapers in this regard.

5. Learned Counsel for the revisionist contends that after the marriage dated 22.03.2015, Opposite Party No. 2 went to her parental home, taking with her all her jewellery, clothes, and other personal belongings from the revisionist's house, and the same continue to remain in her possession. It is further submitted that when the father of the revisionist raised complaints regarding the conduct of Opposite Party No. 2 before her relatives, they requested that she be given another opportunity by way of compromise; however, no improvement was observed in her behaviour. Thereafter, Opposite Party No. 2 allegedly began maintaining continuous contact with one of her boyfriends. When the revisionist objected to the same, Opposite Party No. 2 threatened that, in case of further interference, she would initiate legal proceedings against him and his family members. It is further submitted that on 11.12.2019, in the absence of the revisionist, the parents and brother of Opposite Party No. 2 came to the revisionist's house and, in a pre-planned manner, packed all goods, jewellery, and clothes, and also called the police. The police summoned the revisionist to the police station, whereupon he appeared, and thereafter Opposite Party No. 2 left for her

parental home along with all the packed belongings. The revisionist lodged a First Information Report regarding the said incident at Police Station Aonla, which was registered as Case Crime No.127 of 2020 under Sections 452, 504, and 506 of the IPC against Opposite Party No. 2. After investigation, the police submitted a charge-sheet before the Court of Judicial Magistrate-I, Aonla, wherein the accused persons are currently on bail. Opposite Party No. 2, however, made counter-allegations stating that the revisionist assaulted her at around 10:00 PM, poured kerosene upon her, and attempted to set her on fire with intent to kill. In this regard, Opposite Party No.2 also lodged an FIR dated 11.12.2019, which was registered as Case Crime No.04 of 2020 under Sections 498-A, 323, and 506 of the IPC and Section 3/4 of the Dowry Prohibition Act against the revisionist, but no action was taken by the police. Thereafter, Opposite Party No.2 filed another complaint, being Complaint Case No. 463 of 2019 (Neelam vs. Sundaram Goswami), under Sections 323, 504, 506, and 498-A of the IPC and Section 3/4 of the Dowry Prohibition Act at Police Station Bisauli, District Budaun, alleging therein that on 11.12.2019, the revisionist and his family members, in collusion, assaulted her and attempted to set her on fire with the intention to kill her, and that upon her raising alarm, local persons arrived and saved her.

6. Learned counsel for the revisionist additionally submits that the family of opposite party no.2 misguided her, due to which she filed an application u/s 125 Cr.P.C. on 24.02.2020 before the Additional Principal Judge, Family Court, Budaun, against the revisionist. The revisionist filed his objection in the said application under section 125 Cr.P.C. stating that the opposite party no.2 is an educated and skilled woman and earns Rs.800-900/- per day by done sewing, embroidery and zari work. Thereafter, ignoring the objection of the revisionist the learned Additional Principal Judge, Family Court passed the impugned order dated 20.07.2024, allowing the application under section 125 Cr.P.C. moved by the opposite party no.2, directing the revisionist to pay Rs.10,000/- per month to the opposite party no.2 from the date of application i.e. 20.02.2020.

7. On the other hand, learned counsel for the opposite party no.2 and learned AGA for the State have vehemently opposed the aforesaid arguments and submitted that the opposite party no.2 got married with the revisionist on 15.02.2015 as per Hindu rites and rituals and in the said marriage her father spent about Rs.4,50,000/-. She went to her in-laws house after marriage, but the in-laws of opposite party no.2 were not happy with dowry and demanded additional dowry of Rs.2 lakhs and one Bolero Motor Cycle, and when the inability was shown by the opposite party no.2 to fulfill the demand, they started beating her, ill treating her with cruelty and on 11.12.2019, opposite party no.2 and his family members tried to kill her by pouring kerosene oil. Upon hearing the noise of opposite party no.2 the people of the locality came and save her. Thereafter, she called her father and went to police station and lodged the FIR of the said incident, but no action was taken by the police and she was sent back with her father. Since then, the opposite party no. 2 is residing at her parental home. The opposite party no.2 claims that she is illiterate and only knows how to sign. She is a housewife and lacks any knowledge of sewing or embroidery. The revisionist has not inquired about her well-being or provided any maintenance. The revisionist runs school vehicles, deals in building materials, and earns 1.5 lakh rupees per month from his land in Urla village. Therefore, the revisionist has sufficient source of income to provide the maintenance amount as awarded by the learned family court, hence no interference is required by this Court.

8. Perusal of record shows that the learned trial court vide impugned order dated 20.07.2024 allowed the application of the opposite party no.2/wife, filed under Section 125 Cr.P.C. for seeking the maintenance primarily on the ground that the opposite party no.2/wife is living separately from the revisionist on sufficient and reasonable grounds of mental and physical abuse for additional dowry demand. The revisionist claimed that the opposite party no.2/wife is capable of supporting herself but could not provide any concrete documentary evidence for the same. The revisionist neither inquired about the well being of the opposite party no.2/wife nor

provided any financial assistance deliberately. It is noteworthy that the revisionist had described the opposite party no.2 as mentally ill and if the statement of the revisionist is taken into consideration, the natural conclusion is that due to her mental illness, she would not be capable of performing any work as expected of a healthy person. The learned trial court relied on the findings of the judgment of Hon'ble Supreme Court given in **Rajnesh v. Neha (2021) 2 SCC 324** wherein it was concluded that the maintenance shall be payable in all suits from the date of filing of the claim. In compliance with the above binding legal order of the Hon'ble Supreme Court, the maintenance amount of Rs.10,000/- per month was directed to be payable in the suit from the date of filling of the application, i.e. 24-02-2020 by the revisionist/husband to the opposite party no.2/wife. The learned trial court impugned order is very well reasoned and justified, therefore, warrants no interference by this Court.

9. In the light of the aforesaid discussion, the impugned judgment and order dated 20.07.2024, passed by Additional Principal Judge, Family Court, Budaun, in Criminal Misc. Application No.306 of 2020 (Smt. Neelam Vs. Sunderam Goswami), under section 125 Cr.P.C., Police Station Faizganj Behta, District Budaun, needs no interference by this Court and the present revision is liable to be dismissed.

10. Accordingly, the present revision under section 397/401 Cr.P.C. is hereby **dismissed**.

May 5, 2026
VKG

(Achal Sachdev,J.)