



2026:AHC:57596

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6366 of 2025

Ravi Rana

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Rizwan Ahamad
Counsel for Opposite Party(s)	:	G.A., Vineet Kumar Singh

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Rizwan Ahmad, advocate along with Sri Rajendra Kumar, learned counsel for the revisionist, Sri Vineet Kumar Singh, learned counsel for Opposite Party No. 2, and the learned A.G.A. for the State and perused the record.
2. The present criminal revision has been filed challenging the order dated 22.04.2022 passed by the learned Civil Judge (Junior Division) (FTC), Gautam Buddha Nagar in Misc. Case No. 2336 of 2020 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, as well as the appellate orders dated 25.08.2025 passed in Criminal Appeal Nos. 57 of 2022 and 55 of 2022 by the learned District & Sessions Court.
3. The record reflects that Opposite Party No. 2 (wife) instituted proceedings under Section 12 of the Domestic Violence Act in the year 2020 alleging acts of domestic violence, including physical and mental cruelty, economic abuse, and forcible dispossession from the shared household.
4. Along with the main petition, an application under Section 23 of the Domestic Violence Act was moved seeking interim maintenance of Rs. 1,50,000/- per month, residence order, and other ancillary reliefs for herself and her minor children.
5. The learned trial court issued notice to the respondents, who entered appearance and filed objections to the interim application. Both parties were directed to file income affidavits in compliance with the judgment of the Hon'ble Supreme Court in ***Rajnish v. Neha and Another, (2021) 2 SCC 324***.
6. After considering the pleadings, affidavits, and material placed on record, the learned Civil Judge (Junior Division) (FTC), Gautam Buddha Nagar passed the order dated 22.04.2022, granting interim maintenance of Rs. 25,000/- towards rent in favour of Opposite Party No. 2 and Rs. 15,000/- as interim maintenance to the opposite parties,

along with other reliefs.

7. Aggrieved by the said order, both the revisionist and Opposite Party No. 2 preferred Criminal Appeal Nos. 57 of 2022 and 55 of 2022 respectively before the learned District & Sessions Court.
8. The appellate court, after hearing both parties and re-appreciating the material on record, disposed of the appeals vide orders dated 25.08.2025, whereby the order of the trial court was partly modified in Criminal Appeal No. 55 of 2022, and it was directed that the interim maintenance shall be payable from the date of filing of the application.
9. Learned counsel for the revisionist contended that Opposite Party No. 2 is a highly qualified and professionally competent individual, possessing degrees in dentistry, hospital administration, and law, and is earning independently from multiple sources, as reflected in her Income Tax Returns. However, she has deliberately suppressed her true income and approached the courts with unclean hands to extract maintenance. It is further submitted that proceedings under Sections 127 Cr.P.C. and 125(4) Cr.P.C. are pending, wherein issues relating to modification of maintenance and disqualification on account of alleged adultery are involved.
10. Learned counsel for the revisionist further submits that the impugned orders suffer from material irregularity and non-application of judicial mind, inasmuch as the courts below have failed to consider that Opposite Party No. 2 is already receiving Rs. 25,000/- per month for herself and Rs. 10,000/- each for Opposite Party Nos. 3 and 4 as interim maintenance under Section 125 Cr.P.C. pursuant to order dated 14.06.2022 passed by the Family Court. It is contended that the grant of additional maintenance under the Domestic Violence Act amounts to duplication of relief.
11. Per contra, learned counsel for Opposite Party No. 2 submits that the impugned orders have been passed after due consideration of the material available on record and do not suffer from any illegality or perversity warranting interference by this Court in exercise of its revisional jurisdiction. It is further submitted that the revisionist owns four vehicles, namely, Maruti Suzuki Celerio, Renault Kwid, Hyundai Verna (top model with sunroof), and Mahindra XUV300, and also holds an expensive membership of Jaypee Club and frequently travels abroad for vacations, reflecting his sound financial status.
12. It is contended that the provisions of the Domestic Violence Act are beneficial in nature and intended to provide immediate and effective relief to an aggrieved woman, and that the grant of interim maintenance thereunder is independent of proceedings under Section 125 Cr.P.C.
13. Learned counsel further submits that merely because maintenance has

been awarded under Section 125 Cr.P.C., the same does not bar the grant of relief under the Domestic Violence Act, particularly when such reliefs are wider in scope, including residence, protection, and monetary relief.

14. It is also submitted that Opposite Party No. 2 has no sufficient independent source of income to maintain herself and her minor children in accordance with the standard of living enjoyed in the matrimonial home, and the revisionist is legally and morally bound to maintain them.
15. The allegations regarding earning capacity, concealment of income, and other disputed questions of fact are matters of evidence, which cannot be adjudicated at this interim stage.
16. It is further submitted that the appellate court has rightly directed that the maintenance shall be payable from the date of application, which is in consonance with settled principles of law.
17. Upon consideration of the rival submissions and perusal of the record, this Court finds that the marital relationship between the parties and the existence of two minor children from the wedlock are undisputed.
18. It is also not in dispute that interim maintenance has been awarded in proceedings under Section 125 Cr.P.C. by the competent Family Court.
19. The Hon'ble Supreme Court in *Rajnesh vs. Neha & Anr.* (supra) has held that while maintenance can be awarded in different proceedings, the courts must ensure that there is no duplication, and the amount awarded in one proceeding is liable to be adjusted against the amount awarded in another.
20. In view of the aforesaid legal position, the grant of interim maintenance under the Domestic Violence Act cannot be faulted; however, to avoid duplication, appropriate adjustment/set-off is required.
21. The issues relating to income, earning capacity, and alleged suppression of income involve disputed questions of fact, which cannot be conclusively determined at this stage.
22. It is also evident that the impugned orders are interim in nature, intended to provide immediate sustenance to the aggrieved person and the minor children.
23. The direction of the appellate court making the maintenance payable from the date of application is in accordance with settled law and does not warrant interference.
24. In view of the aforesaid, the impugned orders dated 22.04.2022 and

25.08.2025 passed in Criminal Appeal No. 55 of 2022 are hereby affirmed, subject to the modification that the amount of interim maintenance awarded under the Domestic Violence Act shall be adjusted/set-off against the amount awarded under Section 125 Cr.P.C., so as to avoid duplication of maintenance.

25. It is clarified that all the orders under challenge are interim in nature, and the trial court shall decide the main petition independently on merits, without being influenced by any observations made herein.
26. It is further observed that interim maintenance is granted to ensure that the aggrieved person and minor children are able to maintain themselves in accordance with the status of the parties and to prevent destitution during the pendency of proceedings.
27. With the aforesaid observations and modification, the present criminal revision stands **disposed of**.

March 19, 2026
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(Madan Pal Singh,J.)