

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.85 of 2019**

Arising Out of PS. Case No.- Year-1111 Thana- District-

=====

Mukesh Kumar Late Ram Hari Prasad Resident of village - Barhari P.S. Rajir,  
District Nalanda at present Mohalla - Gandhi Nagar, Ramchandrapur, P.S.  
Laheer, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Sinha Ram Lakhan Prasad Wife of Mukesh Kumar Resident of village  
- Parathu , P.S. - Ekangarsrai, District - Nalanda at present Mohalla -  
Bhaisasur Kumhar Toli, P.S. - Bihar , District Nalanda.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad  
For the Respondent/s : Mr. Amit Kumar Rakesh

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 3      11-07-2023      1. The present revision application has been filed by the  
petitioner, who is the husband of Opposite Party No. 2,  
against the order, dated 29.10.2018, passed by learned  
Principal Judge, Family Court, Nalanda, at Biharsharif, in  
Maintenance Case No. 45M of 2013, by which the  
maintenance case filed by the Opposite Party No. 2 has  
been allowed and the petitioner-husband has been  
directed to pay the Opposite Party No. 2 a sum of Rs.  
6,000/- per month as maintenance from the date of  
institution of the maintenance case.
2. The Opposite Party No. 2 is the legally wedded wife of  
the petitioner-husband and marriage between them was  
solemnized on 26.02.2009 according to Hindu rites and



rituals. The Opposite Party No. 2 is residing in her parental home since 09.06.2013 and the marriage between the petitioner and the Opposite Party No. 2 is not in dispute.

3. Learned counsel for the petitioner submits that a complaint case, under section 498A of the Indian Penal Code, bearing Complaint Case No. 756C of 2013 was filed by the Opposite Party No. 2-wife and she has also filed a maintenance case under Section 125 of the Criminal Procedure Code, in which the final order has been passed by the learned Principal Judge, Family Court, Nalanda (Biharsharif), which is impugned in the present application.
4. Learned counsel for the petitioner further submits that Opposite Party No. 2-wife left her matrimonial home on her own will, whereas the petitioner has been willing and ready to keep her wife with full honor and dignity. He further submits that the Opposite Party No. 2-wife has been living in the house of the petitioner-husband and is getting the entire rent of that property, i.e. Rs. 6,000/-, and is also growing food-grains from agricultural land of the petitioner. He also submits that the petitioner-husband has



to maintain his parents along with other family members, and as such, he is not in a position to maintain her wife- Opposite Party No. 2. He next submits that Opposite Party No. 2-wife has not produced any cogent proof of the income of the petitioner before the learned Family Court and she has only stated that the petitioner is working at Bangalore and is getting Rs. 40,000/- per month.

5. I have heard learned Counsel for the petitioner and have gone through the materials available on record, including the impugned order.
6. The learned Family Court has framed issue as to whether the Opposite Party No. 2-wife is entitled to get maintenance. The Opposite Party No. 2-wife examined four witnesses including herself. It has been deposed by the Opposite Party No. 2-wife that the petitioner, along with his family members, used to torture her, physically as well as mentally, for which she has filed Complaint Case No. 756C of 2013 against them. The Opposite Party No. 2-wife further deposed that on 09.06.2013, she was ousted from her matrimonial home and since then she is living at her parental home and all the witnesses of the



Opposite Party No. 2-wife has supported the statement made by her in their deposition before the learned Family Court. She further deposed that the petitioner-husband is in Government job and is residing at Bangalore and he is earning Rs. 40,000/- from his salary and Rs. 10,000/- from his land.

7. On the other hand, the petitioner-husband has examined three witnesses including himself on the point that they neither tortured the Opposite Party No. 2-wife nor demanded dowry from her and she is living in her matrimonial home.
8. The learned Family Court has arrived at the conclusion, based upon the materials available on the record, that there is no cogent proof of the income of either the petitioner-husband or the Opposite Party No. 2-wife and it has been stated by the petitioner's-husband witness, Mukesh, that he is working as Data Entry Operator in Bangalore and earns Rs. 31,000/- per month. Accordingly, the learned Family Court has held that the Opposite Party No. 2-wife is entitled for maintenance and awarded Rs. 6000/- per month as maintenance in favour of Opposite Party No. 2-wife.



9. From the facts discussed herein above and the findings arrived at by the learned Family Court, it transpires that Opposite Party No. 2-wife has filed a complaint case under Section 498A of the Indian Penal Code and the relationship between them is not cordial, as such, it cannot be said that the Opposite Party No. 2-wife is residing in her parental home (maika) without any sufficient reason.
10. In the case of **Chaturbhuj v. Sita Bai**, reported in **(2008) 2 SCC 316**, the Supreme Court has also held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy.
11. Accordingly, I come to the conclusion that the impugned order of maintenance does not suffer from any material illegality or legal infirmity and as such, does not require any interference by this Court.
12. This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J)**

ashwani/-

|   |   |  |  |
|---|---|--|--|
| U | ✓ |  |  |
|---|---|--|--|

