

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.373 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Sitamarhi

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Jitendra Kumar son of Ram Ekwel Hathi Village- Fatehpur tole- Kshnipur
W.No-7, Ps- Sonbarsa Dist- Sitamarhi, A/p- Working at GS JE Civil 94 RCC
56 APO Udaypur H.P, P/A- DGBR Sima Sarak Bhawan Ring Road Delhi
camp Delhi

... .. Petitioner/s

Versus

Anita Kumari wife of Jitendra Kumar D/o- Ramchandra Mahto Village-
Jingarwa PS- Malangawa Dist- Sarlahi Nepal A/P- Ram Sundar Sah Behind
Prabhash Petrol Pump w.No-1, PS Dist- District

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the Respondent/s	:	Mr. Y.C. Verma, Sr. Advocate
		Ms.Madhubala Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 18-06-2025 The instant revision is directed against an order dated 12th March 2024, passed by the learned Principal Judge, Family Court at Sitamarhi upon an application under Section 125 of the CrPC which was registered as Maintenance Case No. 40 of 2020 whereby and whereunder the petitioner/husband was directed to pay maintenance allowance at the rate of Rs. 16,000/- per month from the date of filing of the maintenance case, i.e., March, 2020.

2. On perusal of the application under Section 397 read with section 401 of the CrPC as well as impugned judgment, it is found that marriage between the parties was not in dispute. The marriage of the parties was solemnized on 05th



March, 2017. It is alleged by the petitioner that after marriage she went to her matrimonial home she was subjected to physical and mental torture. Her husband had illicit relation with the wife of his brother. The husband and other matrimonial relations tried to commit murder of the opposite party when she was preparing tea on a gas oven. On 16th December, 2018, she lodged a complaint in Sonbarsa P.S. which was registered as Sonbarsa P.S. Case No. 236 of 2018 under Section 498A and other penal provisions against her husband and other matrimonial relations. Subsequently, she was driven away from her matrimonial home. It is alleged by the opposite party in her petition under Section 125 of the CrPC that her husband earns Rs. 60,000/- per month from his salary. He has also other source of income from which he earns Rs. 5,00,000/- per annum. The opposite party, on the other hand, has no source of income, she is fully dependent upon her parents, therefore, the opposite party prayed for maintenance allowance at the rate of Rs. 20,000/- per month for herself.

3. The present petitioner contested the said application under Section 125 of the CrPC by filing a written statement wherein she has denied entire allegation made out by the opposite party in her petition under Section 125 of the CrPC. It



is specifically submitted by the present petitioner that the opposite party is a lady of suspicious nature and character. She even raised doubt about opposite party's relations with his sister-in-law. Since the date of marriage, the wife of the petitioner turned the peaceful house of the petitioner to hell. She used to raise doubt against everyone and left her matrimonial home voluntarily. After a lapse of about eight years, she is now claiming to come back to her matrimonial home as a part of settlement of the dispute between the parties. The petitioner does not want the opposite party to return to his house because he had already experienced the nature of his wife and he is afraid of staying with her.

4. At the time of hearing, it is submitted by the learned Advocate for the petitioner that the trial court directed the petitioner to pay maintenance at the rate of Rs. 16,000/- per month. The petitioner is ready and willing to pay the sum of Rs. 30,00,000/- to his wife and if the said sum of Rs. 30,00,000/- is kept in a nationalized Bank in Fixed Deposit, the opposite party will get Rs. 17, 150/- per month towards interest. Therefore, she would get more than what has been directed by the trial court to pay the opposite party by the petitioner.

5. The learned Senior Counsel appearing on behalf of



the opposite party has not accepted such proposal on the ground that if such proposal is accepted, the opposite party will have to compound/compromise the case under Section 498A of the IPC against the petitioner. The opposite party does not want to compound the criminal case pending against the petitioner and others.

6. In reply, it is submitted by the learned Advocate for the petitioner that if the petitioner is convicted in a case under Section 498A of the IPC, he will lose his job and in that event he will not be in a position to pay any maintenance allowance. However, the opposite party does not wish to bend even an inch from her stand.

7. In view of such circumstances, let me now decide the case on merit. It is not in dispute that the petitioner is the legally married husband of the opposite party. The opposite party is now staying at her paternal home. She does not have any source of income, on the other hand, the petitioner has independent source of income and he can maintain his wife. Considering such circumstances and necessary ingredients of the provision under Section 125 of the CrPC, this Court finds that the trial court did not commit any illegality or material irregularity in passing the order of maintenance and there is



absolutely no grievance of the petitioner with regard to the quantum of maintenance also.

8. For the reasons stated above, I do not find any merit in the instant criminal revision and accordingly, the instant criminal revision is dismissed on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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