IN THE HIGH COURT OF JHARKHAND, RANCHI
Cr. Rev . No. 685 of 2025

Peer Mohamad @ Peer Mohamad Ansari, aged about 25 years, S/o Noor Mohamad, R/o Village Sabhari, P.O Murradih, P.S Barwadda, District Dhanbad

.... Petitioner

--Versus--

1. The State of Jharkhand
2. Quraisha Khatoon, aged about 23, W/o Peer Mohammad @ Peer Mohammad Ansari, D/o Sahabuddin Ansari, Present Adress: Malkera 4 No. Katras, P.O & P.S- Katras, District Dhanbad, Permanent Address: Village-Sabhari, P.S Barwadda, P.O- Murradih, District-Dhanbad

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Lukesh Kumar Advocate
For the State :- Mr. Fahad Allam, APP

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04 ***/01.12.2025***

IA No. 8394 of 2025

IA No. 8394 of 2025 has been filed for condoning the delay of 374 days.

2. The learned counsel appearing for the petitioner submits that the petitioner happen to be the husband of opposite party No.2 and in filing of the present revision, delay of 374 days has occurred and in view of that, delay of 374 days may kindly be condoned.

3. The learned counsel appearing for the state submits that even in the petition, the delay of such huge days is not explained properly.

4. For the reasons assigned in the interlocutory application, the prayer is allowed.

5. Accordingly, the delay of 374 days is condoned and IA No. 8394 of 2025 is disposed of.

Cr. Rev No. 685 of 2025

Heard the learned counsel for the petitioner and learned counsel for

the State.

2. This petition has been filed for setting-aside the order dated 04.03.2024 passed by the learned Principal Judge, Family Court, Dhanbad in Original Maintenance No. 468 of 2023.

3. Mr. Lukesh Kumar, the learned counsel for the petitioner submits that the marriage between the petitioner-husband and opposite Party No. 2 was solemnized on 12.12.2018, as per the muslim rites and customs. He submits that out of the wed-lock they have been blessed with one child. He further submit that Opposite party No.2 has filed a petition under section 125 Cr. P.C. before the learned Court for allowing the maintenance, which has been allowed by the impugned order. He submits that such income as discussed by the learned Court is not there of the petitioner and the learned Court has been pleased to direct the petitioner to pay a sum of Rs. 5000/- and Rs. 3000/- respectively to Opposite party No.2 and the child. He submits that the petitioner is working in cloth shop and earning Rs. 7000/- per month and in view of that the excessive maintenance amount has been allowed by the learned Court.

4. The learned counsel for the State submits that learned Court has taken care in passing the impugned order. He further submits that it has come in the order of the learned Court that the petitioner is working in the cloth shop of his father and he is also utilizing the Scorpio vehicle of his father and earning money through that vehicle by way of plying the same for commercial purpose and in view of that there is no illegality in the impugned order.

5. OP No.2 was examined as PW-1 and she has stated that

monthly income of her husband is said to be 1 lakh 30 thousand. She has also stated that the petitioner has purchased a Scorpio in name of his father and earning with that vehicle also. She has also stated that after filing of the maintenance case, once on the basis of agreement made before the mediation, she was taken to the matrimonial house but again her husband assaulted and evicted her from his house. She has claimed a sum of Rs. 25,000/-. PW-2 has also supported the case of the opposite party no. 2. Petitioner herein has admitted the marriage before the learned Court and denies his income. The learned Court has come to the conclusion that Opposite party No.2 and the minor son have been intentionally ousted by the petitioner herein. The learned Court has further considered the case of ***Rajnesh Vs. Neha & ors. reported in (2021) 2 SCC 324*** . In view of that the learned Court has been pleased to allow a sum of Rs. 5000/- and Rs. 3000/- to Opposite party No. 2 and the minor child respectively.

6. In view of the above facts and the materials which has come in the order of the learned Court as discussed herein above, there is no merit in the case. As such this criminal revision petition is dismissed.

7. Consequently pending interlocutory application, if any, is also disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 01.12.2025

Abha /