2026:AHC:226639

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7518 of 2025

Ramjanam Yadav

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Lal Behari Yadav
Counsel for Opposite Party(s)	:	G.A., Sudhir Kumar Singh

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. A rejoinder affidavit has been filed today in Court. It is taken on record.

2. Heard Mr. Lal Bihari Yadav, learned counsel for revisionist, Mr. Sudhir Kumar Singh, learned counsel for opposite party no. 2, learned A.G.A. representing the State and perused the record.

3. Revisionist Ramjanam Yadav has approached this Court by means of present Criminal Revision challenging the impugned order dated 02.07.2024 passed by the Principal Judge, Family Court, Mau (hereinafter referred to as "the Trial Court") whereby the Trial Court allowed the recall application filed by revisionist against the interim maintenance order on cost of Rs. 5000/- and subject to payment of Rs. 2,500/- per month as interim maintenance to opposite party no. 2 in future till the pendency of maintenance petition.

4. Feeling aggrieved from the impugned order the present revision has been filed on the grounds that the impugned order has been passed in arbitrary manner without considering the evidence available on record. The impugned order is illegal, unjust, improper, arbitrary and is liable to be set aside by this Court and a prayer for allowing the criminal revision has been made.

5. Learned counsel for the revisionist submitted that the marriage between the revisionist and opposite party no. 2 was solemnized in the year 1986, and their first *Vidai* (*Gauna*) took place in the year 1991. After some time, differences arose between the parties, as a result of which both parties approached the Court, whereupon a settlement was arrived at between them

on 28.11.2001. The aforesaid compromise deed is available at page 39 of the paper book, and its certified copy has been annexed at page 7 of the supplementary affidavit, which has been duly verified by the Court concerned.

6. As per the terms of the aforesaid compromise deed, opposite party no. 2 received a sum of Rs. 25,000/- as permanent alimony and both parties agreed to live separately. It was further agreed that there would be no marital relationship between them thereafter and that both parties would be free to live separately and marry any other person of their choice. Neither party would have any claim against the other in future. On the basis of the aforesaid compromise deed, Case No. 74 of 2001, Girija Devi v. Ramjanam, was decided.

7. However, after the lapse of a considerable period, opposite party no. 2 filed a maintenance application, concealing the aforesaid facts and obtained an order of interim maintenance against the revisionist. Upon coming to know of the aforesaid maintenance order, the revisionist approached the Trial Court and filed an application seeking recall of the same. The revisionist also placed a copy of the aforesaid compromise deed before the Trial Court, however, the Trial Court ignored the same and proceeded to pass the impugned order.

8. It is, thus, contended that, in view of the aforesaid facts and circumstances, the present Criminal Revision is liable to be allowed and the impugned order is liable to be set aside.

9. *Per contra*, learned A.G.A. and learned counsel for opposite party no. 2 vehemently opposed the present Criminal Revision and supported the impugned order. Learned counsel for opposite party no. 2 submitted that the revisionist had not filed any copy of the aforesaid compromise deed before the Trial Court. It is further argued that the revisionist has ample opportunity to produce the aforesaid compromise deed before the Trial Court and seek an appropriate order in accordance with law, if so advised. In view of the aforesaid submissions, it is, thus, contended that the present Criminal Revision is liable to be dismissed.

10. Having heard the rival submissions advanced by learned counsel for the parties and upon perusal of the record, this Court finds that although learned counsel for opposite party no. 2 has submitted that the revisionist has ample

opportunity to produce the requisite documentary evidence before the Trial Court, he could not controvert the submissions advanced by learned counsel for the revisionist regarding the compromise dated 28.11.2001 arrived at between the parties. Considering the aforesaid facts and circumstances, this Court is of the opinion that if the impugned order is allowed to remain in force, it may cause serious injustice to the revisionist. Therefore, the present Criminal Revision deserves to be allowed.

11. Accordingly, the present Criminal Revision is **allowed**. The impugned order dated 02.07.2024 passed by the Principal Judge, Family Court, Mau in Interim Maintenance Application No. 4Ka filed in Misc. Case No. 537 of 2024, Ramjanam Yadav v. Girija Devi, under Section 125 Cr.P.C. is hereby **set aside.**

November 2, 2026
Brijesh Maurya

(Lakshmi Kant Shukla,J.)

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad