2026:AHC:210377

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2669 of 2024

Nafees

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Mansoor Ahmad, Munoour Ali Miski, Ram Janam Shahi, Surya Pratap Singh Parmar
Counsel for Opposite Party(s)	:	G.A., Haya Rizvi

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Matter is taken up out of turn being mention made in the morning by learned counsel for the revisionist.

2. Heard Ms. Vandana Singh Parmar, Advocate holding brief of Mr. S.P. Singh Parmar, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Rajesh Kumar Yadav, Advocate holding brief of Ms. Haya Rizvi, learned counsel for O.P. Nos. 2 and 3.

3. Perused the record.

4. Revisionist Nafees has approached this court by means of present criminal revision challenging the impugned judgement and order dated 09.04.2024 passed by Addl. Principal Judge, Family Court no. 3, Bulandshahr (herein after referred as "the Trial Court") in Maintenance Case No. 754 of 2020 wherein the trial court partly allowed the application under Section 125 Cr.P.C. and ordered the revisionist to pay Rs. 20,000/-per month to O.P. No. 2 and Rs. 10,000/- per month to O.P. No. 3 as maintenance from the date of institution of maintenance petition.

5. Feeling aggrieved from that order, the present criminal revision has been filed on the grounds that the trial court has passed an illegal order without reading the evidence of parties. The impugned order is illegal, arbitrary and is against the weight of evidence available on record. The impugned order is based on surmises and conjuncture and in the aforesaid

premise, a prayer for setting aside the impugned judgement and order and allowing the present criminal revision has been made.

6. Learned counsel for the revisionist has submitted that there is no dispute that the O.P. No. 2 is wife and O.P. No. 3 is the parties' minor daughter. O.P. Nos. 2 and 3 are incapable to maintain themselves. The revisionist has challenged only to the amount of maintenance, which is too excessive warranting interference by this court. It is the assertion of the revisionist that he helps his brother and assist him in his work, but the trial court wrongly discarded the aforesaid factum and assumed that revisionist is a Doctor while he has no degree of a doctor. It is thus contended that in view of above, the present criminal revision may be allowed by this court.

7. *Per contra*, learned A.G.A. for the State as well as learned counsel for O.P.No. 2 have vehemently opposed the instant criminal revision. Learned counsel for O.P.No. 2 has submitted that the revisionist is BAMS degree holder which is equivalent to MBBS degree in Allopathic and he can not claim to be an assistant of his brother, who is a doctor. The trial court has observed in its judgement, the relevant part of which occurs at page 7 of the impugned order, that the revisionist had admitted that he has completed the course of BAMS and he is eligible to add word doctor before his name. He passed BAMS in the year 2021. He further stated therein that it is wrong to say that his father is a Dentist, however, his elder brother is a Dentist. On the basis of aforesaid statement of the revisionist, the trial court has rightly held that the revisionist is a doctor and passed the impugned order fixing the aforesaid maintenance amount payable by the revisionist to opposite party nos. 2 and 3. It is thus contended that in view of aforesaid premise the present revision has not force at all and the same is liable to be dismissed.

8. When confronted with above, learned counsel for the revisionist could not successfully over come the same.

9. Having heard the rival submissions and perusal of record, we find that the court has not committed any error in the impugned order holding that the revisionist is a qualified doctor and considering the status of

revisionist, the amount of Rs. 30,000/- for maintenance of two persons, i.e. wife and child, can not be said to be excessive, warranting interference by his court. The present criminal revision has no force and is liable to be dismissed.

10. It is accordingly **dismissed.**

(Lakshmi Kant Shukla,J.)

October 7, 2026
RPD

Digitally signed by :-
RATAN PRAKASH DWIVEDI
High Court of Judicature at Allahabad