2026:AHC:208412

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 1986 of 2026

Sanju Maurya

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Krishna Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Krishna Kumar Shukla, learned counsel for the revisionist, and learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the present criminal revision has been filed seeking relief as mentioned in the prayer clause. The prayer clause is delineated below:-

> *"It is therefore most respectfully prayed that this Hon'ble court may graciously be pleased to set aside the impugned order dated 04.08.2022 passed by passed by Principal Judge Family Court Badaun in case no.657 of 2020 (Smt. Hemlata -vs- Sanju Maurya) under section 125 Cr.P.C, P.S Civil Line, District Badaun, during the pendency of present criminal misc. application otherwise the revisionist shall suffer an irreparable loss and injury."*

3. Learned counsel for the revisionist submits that opposite party No. 2, the wife of the revisionist, without obtaining divorce from the revisionist, has contracted marriage with another person and is, therefore, living in adultery. It is submitted that, in such circumstances, in view of the provisions contained under Section 125(5) read with Section 127 Cr.P.C. / Section 144(5) read with Section 146 BNSS, the order granting maintenance may be cancelled or varied by the competent Court. For ready reference, the provision of Section 125(5) Cr.P.C. is delineated hereinbelow:

> ***"Section 125 (5) Cr.P.C.***
> *(5) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by*

mutual consent, the Magistrate shall cancel the order."

4. Learned counsel for the revisionist, therefore, submits that he may be permitted to withdraw the present revision with liberty to approach the concerned Trial Court/competent Court for appropriate relief in accordance with the provisions of Section 125(5) read with Section 127 Cr.P.C. / Section 144(5) read with Section 146 BNSS.

5. In view of the aforesaid submission, the present revision is dismissed as withdrawn, with liberty as prayed for.

(Praveen Kumar Giri,J.)

October 5, 2026
DKS

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