2026:AHC:207392

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7062 of 2025

Kuldeep @ Kapil

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Alok Kumar Pandey, Prashant Kumar, Susheel Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Mahendra Yadav

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Alok Kumar Pandey, learned counsel for revisionist, learned AGA appearing on behalf of State-opposite party no. 1 and Mr. Mahendra Yadav, learned counsel appearing on behalf of opposite party no. 2.

2. Perused the record.

3. Revisionist Kuldeep @ Kapil has approached this Court by means of present criminal revision assailing the impugned judgment and order dated September 1st, 2025 passed by Principal Judge, Family Court Sambhal at Chandausi (hereinafter referred to as trial court) in Case No. 71 of 2024 as well as computerized No. UPSL020000672024, under section 127 Cr.P.C. (Smt. Mamta Vs. Kuldeep @ Kapil), Police Station Hayatnagar, District Sambhal whereby the trial court allowing the application under section 127 of Criminal Procedural Code filed by opposite party no. 2 enhancing the maintenance amount from Rs. 2,500/- to Rs. 5,000/- to opposite party no. 2 and Rs. 500/- to Rs. 2,000/- payable to son from wedlock of opposite party no. 3.

4. Feeling aggrieved from that order, the present criminal revision has been filed on the ground that the impugned order has been passed without considering the material available on record, there

is no evidence regarding enhancement in income of the revisionist but inspite of no increase in the income of revisionist, the trial court has passed the order for enhancement of maintenance amount hence a prayer for allowing the criminal revision and setting aside the impugned order has been made.

5. Learned counsel for revisionist submitted that there is nothing on record to show that the income of revisionist increased anyway after the passing of original maintenance order but the trial court ignoring aforesaid facts passed the impugned order. It is thus contended that in view of above the present criminal revision deserves to be allowed and the impugned judgment be set aside by this Court.

6. Per contra learned AGA as well as learned counsel for opposite party no. 2 submitted that the revisionist is the husband of opposite party no. 2 and father of child. Being husband and father of persons entitled for maintenance, the revisionist has a pious duty to maintain their living standard. The amount of Rs. 7,000/- per month towards maintenance of a lady and a child prosecuting his education on 3rd standard is not much enough, such amount can only fulfill the minimum basic needs of these two persons. Learned counsel appearing on behalf of opposite party no. 2 submitted that the purpose of provision contained under section 125 of Cr.P.C. is to prevent the wife and children, having no independent source of income for their maintenance from destitution and vagrancy. If even after an order of maintenance is passed, the wife and children are left to live their life in destitution and vagrancy it would failed the whole purpose of legislation. It is thus contended on the aforesaid premise the impugned judgment and order does not require any interference by this Court.

7. When confronted with above, learned counsel appearing on behalf of revisionist could not overcome the same successfully.

8. Having heard the rival submission and perusal of record, this Court is in full agreement with submissions urged by learned

counsel appearing on behalf of opposite party no. 2. Maintenance means proper maintenance and if even after order of a maintenance the purpose of legislature remains unfulfilled such order must be modified. The trial court has exercised its jurisdiction properly, accordingly we do not find any good ground to interfere in the aforesaid order and present criminal revision is liable to be dismissed being devoid of merit. Accordingly, the present criminal revision is **dismissed** being devoid of merit.

(Lakshmi Kant Shukla,J.)

October 5, 2026
Arti

Digitally signed by :-
ARTI SHARMA
High Court of Judicature at Allahabad