HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6845 of 2026

Shailendra Kumar Singh

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Devesh Mishra, Parijat Srivastava, Sr. Advocate, Vivek Chaturvedi

Counsel for Opposite Party(s) : G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Nipun Singh, learned Senior Advocate assisted by Sri Pulkit Jain and Sri Parijat Srivastava, learned counsel for the revisionist and Sri Shashidhar Pandey, learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the instant criminal revision has been preferred with the relief which has been mentioned in the prayer clause. The relief mentioned in the prayer clause of the revision is delineated below:-

> *"It, is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present Criminal Revision and set aside the Impugned judgment and order dated 16.09.2026 passed by the learned Additional Principal Judge, Family Court, Gautam Buddh Nagar in Case No.122 of 2024, (Smt. Shweta Vs. Shailendra Kumar Singh), under section 125 of Cr.P.C., otherwise the revisionist shall suffer irreparable loss and injury and/or grant such other and further relief which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."*

3. Learned counsel for the revisionist submits that the Additional Principal Judge, Family Court, Gautam Buddh Nagar vide order dated 16.09.2026 directed the revisionist to pay Rs.3,00,000/- per month to his wife/opposite party nos.2 as an interim maintenance from the date of application i.e. 12.10.2023 He further submits that the amount of

interim maintenance does not commensurate with the income of the revisionist. He further submits that yet no evidence has been adduced by the revisionist even then the amount of interim maintenance, to the tune of Rs.3,00,000/- per month has been granted by the trial court. He further submits that the revisionist is ready to pay the interim maintenance amount from the date of order and if opposite party no. 2 succeed in the pending application under Section 125 Cr.P.C./144 BNSS before the trial court, then maintenance may be granted as per law laid down by the Hon'ble Supreme Court in the judgment of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324**.

4. Learned counsel for the revisionist further submits that he does not want to press this revision on merits and it may be disposed of giving direction to the concerned Family Court to finally adjudicate the application under Section 125 Cr.P.C./144 BNSS expeditiously. He further submits that in the interest of justice the arrears of the maintenance amount from the date of application may be kept in abeyance till the final disposal of the pending application under section 125 Cr.P.C./144 BNSS. He further undertakes that if this Court accepts the aforesaid request of the revisionist, the revisionist will clear all the dues/arrears of the maintenance amount from the date of the order i.e. 16.09.2026 and he will also pay the interim maintenance amount to his wife regularly on monthly basis.

5. In view of above facts and circumstances and in interest of justice, without issuing notice to opposite party no. 2 the order dated 16.09.2026 is modified to the extent that the arrears of interim maintenance amount starting from the date of application i.e. 12.10.2023 upto 16.09.2026 shall remain stayed till the final decision of the pending application under Section 125 Cr.P.C./144 BNSS. However, the revisionist is directed to clear all the dues/arrears of maintenance amount from the date of the order i.e. 16.09.2026 and shall pay the maintenance amount to his wife regularly on monthly basis.

6. In case, the revisionist fails to comply with any of the aforesaid directions, the Additional Principal Judge, Family Court, Gautam Buddh Nagar, will be at liberty to proceed for recovery of the arrears of

maintenance amount from the revisionist in terms of order dated 16.09.2026 as per prevailing law. The Additional Principal Judge, Family Court, Gautam Buddh Nagar is directed to pass final order on the pending application under section 125 Cr.P.C./144 BNSS, preferably within a period of three months, providing opportunity of hearing to the parties, without granting any unnecessary adjournments, in the light of law laid down by the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324.**

7. With the aforesaid directions, this revision is **disposed of.**

(Praveen Kumar Giri,J.)

October 29, 2026
K.Tiwari

Digitally signed by :-
KRISHNA KANT TIWARI
High Court of Judicature at Allahabad