HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6855 of 2026

Dr. Syed Asamt Ali

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Mukesh Joshi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Mukesh Joshi, 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 a pleased to allow the present Criminal Revision and set aside the judgment and order dated 18.09.2026 passed by learned Principal Judge, Family Court, Moradabad, passed in criminal misc. case no. 334 of 2026 (Syed Mohd. Arij Ali and another Vs. Dr. Syed Asmat Ali) in proceeding under section 144 BNSS, Police Station Civil Lines, District- Moradabad, whereby the revisionist has been directed to pay interim maintenance of Rs. 1,20,000/- per month to the opposite party nos. 2 and 3 from the date of application i.e. 01.04.2026."*

3. Learned counsel for the revisionist submits that the Principal Judge, Family Court, Moradabad, vide order dated 18.09.2026, directed the revisionist to pay interim maintenance of Rs. 60,000/- per month to each of his two minor sons, opposite party Nos. 2 and 3, amounting to a total of Rs. 1,20,000/- per month, with effect from the date of application, i.e., 01.04.2026. 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.1,20,000/- 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 nos. 2 and 3 succeed in the pending application filed 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 filed 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. 18.09.2026 and he will also pay the interim maintenance amount to his children regularly on monthly basis.

5. In view of above facts and circumstances and in interest of justice, without issuing notice to opposite party nos. 2 and 3, the order dated 18.09.2026 is modified to the extent that the arrears of interim maintenance amount starting from the date of application i.e. 01.04.2026 upto 18.09.2026 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 from the date of the order, i.e., 18.09.2026, and to pay the maintenance amount to both his minor sons regularly on a monthly basis.

6. In case, the revisionist fails to comply with any of the aforesaid directions, the Principal Judge, Family Court, Moradabad, will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 18.09.2026 as per prevailing law.

The Principal Judge, Family Court, Moradabad is directed to pass final order on the pending application under section 125 Cr.P.C./144 BNSS, preferably within a period of six 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