



2026:AHC:113439

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2818 of 2024

[REDACTED]

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	: Ashwani Kumar Mishra, Sandeep Kumar Keshari, Vivek Srivastava
Counsel for Opposite Party(s)	: Sheetala Prasad Pandey, G.A.

Judgment Reserved on 05.05.2026

Judgment Delivered on 15.05.2026

Court No. - 88

HON'BLE ACHAL SACHDEV, J.

1. Sri Ashwani Kumar Mishra, learned counsel for the revisionist, Sri Sheetala Prasad Pandey, learned counsel for opposite party no.2 and learned AGA for the State are present.
2. The present criminal revision has been preferred by the revisionist, under Section 397/401 Cr.P.C. read with section 96(4) of Family Court Act against the Judgment and order dated 14.03.2024 passed by Additional Principal Judge, Family Court, Basti in Maintenance Case No. 277 of 201[REDACTED] u/s 125 Cr.P.C. whereby the court has partially allowed the application of the revisionist and directed the opposite party no.2 to pay Rs.10,000/- per month to revisionist as maintenance from the date of the application, i.e. 14.07.2019 till the date 08.02.2024, on account of her securing a government teacher job in Bihar from the date 9.2.2024.
3. Learned counsel for the revisionist/wife submits that the revisionist married the opposite party no.2/husband on 22.05.2017 according to Hindu rites and rituals and dowry. The family and the opposite party no.2 were adamant with their demand to receive a swift desire car as dowry too. From the very next day of her departure, the opposite party no.2/husband and his family started harassing and torturing the

revisionist for not getting a Swift Desire Car as dowry and started taunting, abusing, and beating her. The opposite party no.2/husband has an illicit relationship with a girl named Sushila and even claimed that he intends to marry her and establish a family. The revisionist has lodged a first information report against her in-laws, which was registered as Case Crime No.356 of 2019, u/s 498-A, 323, 504, 506, 316, IPC and section 3/4 of D.P. Act, Police station Kotwali, District Basti.

4. Learned counsel for the revisionist further contends that the revisionist is an educated, unemployed woman with no source of income. She is dependent on her parents, and their parents are also unable to support her and she is forced to live a miserable life. On the other hand opposite party no.2 is employed as a clerk, drawing a monthly salary of approximately ₹50,000/-, but spends all his earnings on the same girl named Sushila. Relying on the case of **Chaturbhuji vs. Sitabai, Appeal (Crl.) 1627 of 2007** passed by Hon'ble Supreme Court, it is averred that a woman who is separated from her husband can request maintenance from him even if she is earning a monthly income, as long as it is not sufficient for her to support herself.

5. Per Contra, learned Counsel for the opposite party no.2/husband submits that the marriage between the parties got solemnized without any dowry. On December 14, 2018, the revisionist left the opposite party no.2's home under the false pretext of studying for a competitive exam and returned to her parents' home with her father. Since then, she has refused to return to the house of opposite party no.2. The opposite party no.2 wished to keep the revisionist with him and has undergone several mediation to achieve the same. Vide impugned order dated 04.12.2024, learned family court has partially allowed the application of the revisionist and directed the opposite party no.2 to pay Rs.10,000/- per month to revisionist as maintenance from the date of the application, i.e. 14.07.2019 till the date 08.02.2024, on account of her securing a government teacher job in Bihar from the date 9.2.2024. Learned counsel for the opposite party no.2/husband further submits that the revisionist in her cross examination herself admitted that after the marriage all her educational and coaching expenses were borne by the opposite party no.2 indicating his sincerity and effort to support her wife, i.e. revisionist. She has been working as a government teacher in Bihar since 09.02.24, thus is earned enough to support herself, therefore the order of

the learned court directing to pay the maintenance amount of Rs.10,000 per month to the revisionist from the date of application till the date 08.02.2024 is well reasoned and justified. The act of the revisionist indicates that she has been living separately without any reasonable grounds, therefore, no interference is required by this Court.

6. The present revision has been preferred by the revisionist/applicant before the trial court, in the application under section 125 Cr.P.C., on the ground that the learned trial court by impugned order dated 14.03.2024 has ignored the legal mandate given in the case **Neha Mathur and Anr. Vs. Dr. Arvind Kishore, in Criminal Misc. Application No.243/2022**, by Rajasthan High Court which ruled, that the wife is still entitled to receive a maintenance from her husband, even if she is earning an income herself and her husband's charge of desertion does not dis-entitle the wife from seeking maintenance. Counsel have also drawn the attention of the Court to the Hon'ble Supreme Court judgment **Chaturbhuji v. Sita Bai, Appeal (Crl.) 1627 of 2007**, whereby, it was held that a wife can still request alimony even if she is earning an income. Even where the wife is separated from her husband she can request maintenance from him, even if she is earning a monthly income, so long, as it is not sufficient for her to support herself.

7. The underlying principal of section 125 Cr.P.C. now 144 BNSS and section 18 of Hindu Adoption and Maintenance Act for awarding maintenance the claimant must be unable to maintain herself or themselves and if a wife obtain a government job it constitute a change in the circumstances and constitutes a sufficient ground to limit the maintenance amount to the period prior to the wife securing a government job. Hon'ble Supreme Court in the case of **Rajnish v. Neha (2021) 2 SCC 324** has established the comprehensive guidelines for maintenance and has emphasized that maintenance should generally be awarded from date of application, but has also clarified that court must balance the standard of living with actual income and capacity of the spouse and if the claimant/spouse began earning a sufficient income/salary during the pendency of the case, the court has discretion to limit the arrears upto that specific date. The Hon'ble Supreme Court in **Captain Ramesh Chander Kaushal Vs. Mrs. Veena Kaushal, (1978) 4 SCC 70** has held that the maintenance is a measure of social justice and the social necessity ends, because the wife has secured a stable and reliable source for her livelihood, the obligation of the

husband to provide for her ends since the government job provides a fixed verifiable income under section 127 C.r.P.C.(146 BNSS) and in view of the wife securing a job, is a sufficient ground for modification of maintenance amount, but she can claim maintenance only where the salary from the government job is significantly lower than the husband's income or insufficient to maintain the previous standard of living and the wife may still argue for supplementary maintenance.

8. In the present case, learned trial court in its impugned judgment dated 14.03.2024 has observed that from the date of filing of application under section 125 Cr.P.C. i.e. 14.07.2019 till 08.02.2024, she did not have any sufficient source of income to support herself and as she has been selected in a government job and joined her job as a teacher on 09.02.2024, thus she is entitled to get maintenance amount of Rs.10,000/- per month from the date of filing of the application i.e. 14.07.2019 till 08.02.2024, before joining her job. Hence the impugned order dated 14.03.2024 passed by learned trial court is well reasoned and justified, therefore warrants no interference by this Court and the present revision is liable to be dismissed.

9. In view of the above discussions, the present revision under section 397/401 Cr.P.C. is hereby **dismissed**.

May 15, 2026
VKG

(Achal Sachdev,J.)