



2026:AHC:127679

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 363 of 2024

[REDACTED]

.....Revisionist(s)

Versus

State of UP and another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Shravan Kumar Pandey, Shyam Narain Pandey
Counsel for Opposite Party(s)	:	

Reserved on 20.04.2026

Delivered on 17.06.2026

Court No. - 46

HON'BLE GARIMA PRASHAD, J.

1. Despite service of notice none appeared on behalf of the opposite party no. 2.
2. Heard Sri Balram Bind, Advocate holding brief of Sri Shyam Narain Pandey, learned counsel for the revisionist and Sri Pradeep Kumar, learned A.G.A. for the State-respondent.
3. By means of the present criminal revision, the revisionist has challenged the judgment and order dated 01.09.2023 passed by the learned Additional Principal Judge, Family Court, Court No.2, Bulandshahr in Maintenance Case No.242 of 201 [REDACTED] [REDACTED] under Section 125 Cr.P.C., whereby the application filed by opposite party no.2-wife has been allowed and the revisionist has been directed to pay maintenance at the rate of Rs.4,000/- per month from the date of institution of the proceedings and Rs.5,000/- per month from the date of the order.

4. Learned counsel for the revisionist submits that the impugned order is contrary to the evidence available on record and suffers from misappreciation of material facts. It is contended that the revisionist is an illiterate person who was working as a driver and earning approximately Rs.5,000/- per month and is presently unemployed. It is further submitted that opposite party no.2 is earning through sewing and embroidery work and has also been allotted a house under the Pradhan Mantri Awas Yojana. According to the revisionist, he never neglected his wife and had made efforts for reconciliation. It is, therefore, argued that the learned Family Court has erred in awarding maintenance beyond the financial capacity of the revisionist.

5. The case set up by opposite party no.2 before the learned Family Court was that her marriage with the revisionist was solemnized on 03.12.2016 according to Muslim rites and customs. It was alleged that after marriage she was subjected to cruelty and harassment in connection with demands for additional dowry and was eventually compelled to leave the matrimonial home and reside with her parental family. It was further alleged that despite possessing sufficient means, the revisionist neglected and refused to maintain her. On these averments, maintenance of Rs.20,000/- per month was claimed.

6. The revisionist contested the proceedings by filing objections. While admitting the marital relationship, he denied the allegations levelled by opposite party no.2 and pleaded that she had left the matrimonial home on her own accord. It was also pleaded that opposite party no.2 was earning through sewing and embroidery work and was capable of maintaining herself. The revisionist further asserted that he was merely working as a driver with limited income and was financially incapable of paying the amount claimed.

7. Upon consideration of the evidence adduced by the parties, the learned Family Court came to the conclusion that opposite party no.2 is the legally wedded wife of the revisionist and that she was residing separately for sufficient cause. The learned Family Court further found that no reliable evidence had been produced to establish that opposite

party no.2 possessed any independent source of income sufficient to maintain herself. The Court also found that the revisionist had failed to maintain his wife despite the subsistence of the marital relationship and accordingly awarded maintenance in her favour.

8. Having considered the submissions advanced by learned counsels for the parties and perused the material brought on record, this Court finds that the relationship of husband and wife between the parties is admitted. The principal dispute raised by the revisionist is with regard to the entitlement of opposite party no.2 to claim maintenance and the quantum awarded by the Family Court.

9. The object of Section 125 Cr.P.C. is to prevent destitution and vagrancy and to provide a swift and efficacious remedy to a wife who is unable to maintain herself. The provision is a measure of social justice intended to protect women from neglect and abandonment. In *Chaturbhuj v. Sita Bai*, (2008) 2 SCC 316, the Hon'ble Supreme Court held that the object of Section 125 Cr.P.C. is to prevent vagrancy and destitution and that the expression "unable to maintain herself" does not mean that the wife must be absolutely destitute before she can claim maintenance. Similarly, in *Bhuwan Mohan Singh v. Meena*, (2015) 6 SCC 353, the Supreme Court observed that the purpose of maintenance proceedings is to ensure that a wife is able to live with dignity and is not reduced to a state of financial deprivation. The same principle was reiterated in *Shamima Farooqui v. Shahid Khan*, (2015) 5 SCC 705, wherein it was held that an able-bodied husband cannot evade his obligation to maintain his wife.

10. In the present case, the revisionist has sought to contend that opposite party no.2 is earning through sewing and embroidery work and is therefore not entitled to maintenance. However, no cogent evidence has been brought on record to establish that opposite party no.2 has a regular and sufficient source of income enabling her to maintain herself. Mere assertions in pleadings, unsupported by satisfactory evidence, cannot be accepted as proof of financial independence. Likewise, allotment of a residential house under a welfare scheme cannot be

treated as a source of livelihood disentitling a wife from claiming maintenance.

11. Equally unpersuasive is the submission regarding the financial incapacity of the revisionist. The learned Family Court has recorded a finding that the revisionist is a skilled driver and an able-bodied person capable of earning. It is well settled that a husband cannot avoid his statutory obligation to maintain his wife merely by asserting that he is unemployed or earning a meagre income. The capacity to earn and the obligation to maintain are relevant considerations while determining maintenance under Section 125 Cr.P.C.

12. This Court further finds that the maintenance awarded by the learned Family Court, namely Rs.4,000/- per month from the date of institution of proceedings and Rs.5,000/- per month from the date of the order, cannot be said to be excessive or unreasonable. Having regard to the prevailing cost of living and the object sought to be achieved by Section 125 Cr.P.C., the amount awarded appears to be modest and justified.

13. It is equally well settled that while exercising revisional jurisdiction, this Court does not sit as a court of appeal to reassess or re-appreciate evidence merely because another view may be possible. Interference is warranted only where the findings suffer from manifest illegality, perversity or material irregularity resulting in miscarriage of justice. No such infirmity has been demonstrated in the present case.

14. Upon an overall consideration of the facts and circumstances of the case, this Court is of the opinion that the findings recorded by the learned Family Court are based upon proper appreciation of the evidence available on record and do not suffer from any illegality, perversity or jurisdictional error warranting interference by this Court.

15. Accordingly, the revision lacks merit and is, accordingly, dismissed.

(Garima Prashad,J.)

June 17, 2026

Sachin Mishra