

**HIGH COURT OF JUDICATURE AT ALLAHABAD****CRIMINAL REVISION No. - 2487 of 2024**

Ankit Saha

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Shreesh Srivastava, Sujan Singh
Counsel for Opposite Party(s)	:	G.A., Nandini Mishra

Court No. - 89**HON'BLE MADAN PAL SINGH, J.**

1. Case called out in the revised call. None has appeared on behalf of the opposite party no.2 to press the present revision. Hence this criminal revision is being decided after hearing the arguments of learned counsel for the revisionist as well as learned AGA.
2. Heard Sri Sujan Singh, learned counsel for the revisionist and learned A.G.A. for the State.
3. This criminal revision has been filed by the revisionist with prayer to set aside the impugned judgment and order dated 17.02.2024 passed by the Principle Judge, Family Court, Gautam Budha Nagar in Case No.683 of 2019 (Neha Sahu Vs. Ankit Saha), under Section 125 Cr.P.C., whereby the revisionist has been directed to pay Rs. 5,000/- per month to the opposite party no.2 as maintenance allowance from the date of filing of the application.
4. Learned counsel for the revisionist submits that opposite party no. 2 did not approach the trial court with clean hands by filing her application under Section 125 Cr.P.C., wherein she claimed that she is unemployed and has no source of income. When as matter of fact, the opposite party no.2 is a Post-Graduate, a Web Designer by qualification, and is working as a Senior Sales Coordinator in Keiath Telecom Pvt. Ltd., getting salary of Rs. 36,000/- per month. Hence, she does not deserve any sympathy and is not entitled to receive maintenance on this very ground. Despite the aforesaid fact, trial court has awarded the maintenance allowance of Rs. 5,000/- per month merely to balance the income between the parties.

5. Learned counsel for the revisionist further submits that, as per the provision of Section 125 Cr.P.C., maintenance can be awarded to a wife only when she is unable to maintain herself or has no sufficient source of income. It is next submitted that the revisionist has the responsibility of maintaining his aged parents, whereas opposite party no. 2 has no such liability. Learned counsel for the revisionist has drawn the attention of the Court towards affidavit filed by opposite party no. 2 before the trial court, which is paper nos. 67–70, wherein the details of her liabilities have been mentioned as "nil." Thus, the sole contention of learned counsel for the revisionist is that opposite party no. 2 has sufficient means to maintain herself, and in such circumstances, she is not entitled to receive any maintenance from the revisionist.

6. Learned AGA has opposed the submissions as advanced by the learned counsel for the revisionist and submits that the amount awarded by the trial to make the parties as equal status to enjoy their lives but could not disputed the fact that the opposite party no. 2 is well educated lady, and is working as a Senior Sales Coordinator in Keiath Telecom Pvt. Ltd., getting salary of Rs. 36,000/- per month.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist and learned AGA as well as perusal of record and order passed by learned trial court. A perusal of page no. 15 of the impugned judgment reflects that the opposite party no.2 is a Post-Graduate, a Web Designer by qualification, and is working as a Senior Sales Coordinator in Keiath Telecom Pvt. Ltd., getting salary of Rs. 36,000/- per month. The trial court while passing the impugned judgment has not taken into consideration the liability of the revisionist and has awarded Rs. 5000/- per month to make the parties equal status to enjoy.

8. For ready reference, Section 125 Cr.P.C. is quoted hereunder:-

125. (1) If any person having sufficient means neglects or refuses to maintain—

(a) his wife, unable to maintain herself, or

(b) his legitimate or illegitimate child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by

reason of any physical or mental abnormality or injury unable to maintain itself, or
(d) his father or mother, unable to maintain himself or herself.

9. From the perusal of Section 125 Cr.P.C., it is clear that maintenance can be awarded to the wife, when she is unable to maintain herself.

10. A perusal of the paragraph 23 of the impugned judgment which is at internal page no. 12 of the impugned indicates that in the affidavit filed before the trial court, the opposite party no. 2 herself admitted that she is a Post-Graduate, Web Designer by qualification, and is working as a Senior Sales Coordinator in Keiath Telecom Pvt. Ltd., getting salary of Rs. 34,000/- per month but in her cross-examination she has further admitted that she is earning of Rs. 36,000/- per month and such amount, for a wife who has no other liability, cannot be said to be meagre, whereas the revisionist has the responsibility of maintaining his aged parents and other social obligations.

11. Thus, this Court is of the view that as per the provision of Section 125(1) (a), the opposite party no. 2 is not entitled to get any maintenance from her husband/revisionist as she is an earning lady and able to maintain herself.

12. On the second issue, learned counsel for the revisionist has alleged that she did not come before the trial court with clean hands. A perusal of the affidavit filed by the opposite party no.2 at page no. 67-70 clearly reflects that she has not mentioned that she is an earning lady as well as a perusal of application under Section 125 Cr. P.C. paper no. 33 to 38 at paragraph no. 16 reflects that she has claimed herself as an illiterate and unemployed woman but when the document filed by the revisionist was shown to her before the trial court, she has admitted her aforesaid income during her cross-examination. Thus, it is clear that she did not come before the trial court with clean hands.

13. It is settled law that when a person approaches a Court, he should approach the Court not only with clean hands but also with clean mind, clean heart and clean objective. It is a law of nature that one should not be enriched by the loss or injury to another. The judicial process should never become an instrument of appreciation or abuse or a means in the process of the Court to subvert justice. No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner he wishes. Easy, access to justice should not be misused as a licence

to file misconceived and frivolous petitions. If a petitioner is guilty of suppression of very important fact his case cannot be considered on merits. Thus, a litigant is bound to make "full and true disclosure of facts".

14. The Hon'ble Apex Court in **Rekha Sharad Ushir Vs. Saptashruni Mahila Nagari Sahkari Patsansta Ltd. reported in 2025 SCC OnLine SC641**, para no. 11 is reproduced herein below:

" 11. It is settled law that a litigant who, while filing proceedings in the court, suppresses material facts or makes a false statement, cannot seek justice from the court. The facts suppressed must be material and relevant to the controversy, which may have a bearing on the decision making. Cases of those litigants who have no regard for the truth and those who indulge in suppressing material facts need to be thrown out of the court."

15. In view of the said judgment of Hon'ble Apex Court, the opposite party no. 2 does not deserve any sympathy and is not entitled to receive maintenance from the revisionist.

16. Accordingly, the impugned judgment and order dated 17.02.2024 passed by the Principle Judge, Family Court, Gautam Budha Nagar in Case No.683 of 2019 (Neha Sahu Vs. Ankit Saha), under Section 125 Cr.P.C. is hereby set aside.

17. Accordingly, the instant criminal revision is **allowed**.

December 3, 2025

Akbar

(Madan Pal Singh,J.)