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IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE GAJENDRA SINGH
ON THE 15th OF OCTOBER, 2025
CRIMINAL REVISION No. 793 of 2025

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Appearance:

Ms.Pragya Swami - Advocate for the petitioner.

Shri Nipun Choudhary- Advocate for the respondent [R-1].
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Reserved on 15.09.2025

Pronounced on 15.10.2025
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ORDER

This criminal revision under section 19(4) of the Family Courts Act, 1984 r/w section 397 of the Cr.P.C, 1973 is preferred challenging the order dated 24.12.2024 in MJCR No.351/2018 by Principal Judge, Family Court, Ratlam whereby the application for maintenance has been rejected.

2. Facts in brief are that revision petitioner was married to respondent on 20.02.2018 as per Hindu rituals in Ratlam, M.P. The application claiming maintenance was preferred on 14.11.2018



alleging cruelty, neglect of maintenance, inability to maintain herself and sufficiency of means of the respondent with further pleading that she requires Rs.25,000/- per month for maintenance. It was alleged that from the first day she was subjected to demand of dowry resulting cruelty for non fulfillment of the demand and she is residing at Ratlam since 25.06.2015 as she was ousted from the matrimonial home on 24.06.2018.

3. The application for maintenance was opposed and it was stated that there was no demand of dowry. They have been falsely implicated in this proceeding through the advocate sister of the revision petitioner. She is residing separately without any justification. She is qualified doctor. She renders services in various hospitals and earns Rs.45,000/- per month. The respondent/husband belongs to humble family. His aged parents are dependent on him. They are suffering from chest pain and gastro ailments along with age related ailments, hence prayed for dismissal of the petition.

4. Trial Court framed total 3 issues and recorded testimony of revision petitioner as DW/1 and admitted the documents Ex.P/1 to P/6. The respondent/husband examined himself as DW/1 and adduced evidentiary documents on Ex.D/1 to D/20.

5. Appreciating the evidence, trial court recorded the finding that the revision petitioner/wife is residing separately without



sufficient reasons. Accordingly, recorded the finding in negative for questions No.2 & 3 and rejected the application. Challenging the order of the trial court, this revision petition is preferred on the ground that renewing the registration for practice does not raise a presumption that she is working as a doctor. She is jobless and is not earning anything. She is financially dependent over her father. She applied for post graduation in Swasthya Kalyan hospital and borrowed money from bank. The respondent/husband is skilled and qualified person working as a Technician (Mechanical) in Oil & Natural Gas Corporation Ltd (ONGC) and getting Rs.74,000/- per month as salary. The trial court further committed error in recording the finding that the revision petitioner is living separately for no cause.

6. Heard finally at motion stage at the request of counsel for both parties.

7. Counsel for the respondent has supported the findings of the trial court and prayed for dismissal of the revision petition.

8. Perused the record.

9. In this case, the revision petitioner/wife completed her Bachelor of Homeopathic Medicine Course on 19.09.2017 from District Homeopathic Medical College and Hospital affiliated to Vikram University, Ujjain and recognized by Aayush (Govt. of



India), New Delhi and got registered as Homeopathic practitioner with M.P State Council of Homeopathy on 27.09.2017 and got married to respondent on 20.02.2018 and presently she is pursuing her post graduation in MD as MD (Homeopathic) since 02.12.2023 from Swasthya Kalyan Homeopathic Medical College and Research Centre, Jaipur, Rajasthan. During the period of registration as Homeopathic medical practitioner, she provided her services during Covid-19 pandemic as temporary Aayush Chikitsak under the National Health Mission at the fever clinic, Veriakhedi, district Ratlam for a period of 89 days and once for 62 days during the period of 28.04.2021 to 28.12.2021 for which she got stipend of Rs.25,000/- per month and was subject to 10% deduction of tax at source.

10. The marriage solemnized on 20.02.2018 was registered on 03.03.2018 before the Registrar of Marriage, Ratlam and the revision petitioner is bound to live at her maternal home since 25.06.2018. There are allegations of ill-treatment and harassment due to non fulfillment of dowry and ousted from home. The record discloses that parents of the revision petitioner went to Ahmedabad on 19.05.2018 and 24.06.2018 so that matter could be resolved. When the matter could not be resolved, then the revision petitioner filed an application for maintenance claiming Rs.25,000/- per month



on 14.11.2018 and the respondent/husband filed a petition for restitution of conjugal rights only after receiving notice of maintenance as revealed from the copy of petition available on record disclosing filing on 28.03.2019 before the Family Court, Ahmedabad. The wife who is not desirous to live with the husband will not come to the residence of husband in the hope of reconciliation of dispute. The examination-in-chief of respondent/husband examined as DW/1 is expanded in four paragraphs and nowhere it is mentioned that he himself ever tried to come at the residence of revision petitioner/wife to bring back to her marital home. He exhausted his energy to demonstrate that the revision petitioner is earning as Homeopathic Medical Practitioner. His attempt failed in para-14 of her cross examination where she admits that the so called service of revision petitioner was temporary to address the Covid-19 situation and that come to an end on 01.04.2022. Accordingly, the findings of the trial court that the revision petitioner is living separately for no sufficient cause are contrary to the evidence and proper understanding of section 125(4) of the Cr.P.C, 1973.

11. Entering into marital tie up does not mean end of personality of the wife. The respondent/husband examined as DW/1 in his examination-in-chief has emphasized on the liability of his



parents and their ailments. No doubt, his approach is appreciable but he cannot totally ignore the wife. His allegation that wife was insisting for living separately from the in-laws does not get affirmation from evidence. If the husband has a duty towards his parents, then he has also the duty to complete the course that would enhance the capability of the wife and to empower her. Equality in marital tie up does not mean development of only one and only restrictions for the other especially wife. In view of the above, the findings of the trial court in rejecting the maintenance cannot be sustained and are hereby set aside. Presently, the revision petitioner is pursuing her MD (Homeopathic) and she requires support. Earlier also only for a period of one year she received stipend for extending her services in Covid-19. The respondent/husband is serving in a public sector undertaking of ONGC Ltd. and getting handsome salary of Rs.74,000/- per month as per his statement. Thus, an amount of Rs.15,000/- per month is quantified as maintenance payable to the revision petitioner/wife which shall be payable from the date of application except the period of one year for which the revision petitioner was getting stipend. The amount paid as interim maintenance, if any, shall be adjusted. After completing the course if the revision petitioner/wife gets job or there is a change in the circumstances and there is no reconciliation between the parties, the



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revision petitioner may file for modification of the order as permissible under section 127 of the Cr.P.C presently section 146 of the BNSS, 2023.

12. With the aforesaid, this criminal revision stands allowed partly.

(GAJENDRA SINGH)
JUDGE

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