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CRR-512-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 512 of 2026

.....
Appearance:

Shri Shashank Sharma, learned counsel for the petitioners.

Shri Rajat Raghuwanshi, learned counsel for the respondent.

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HEARD ON : 17.04.2026

POSTED ON : 30.06.2026

ORDER

This criminal revision has been preferred challenging the order dated 19.01.2026 passed in MJCR No. 358/2024 by the Second Additional Principal Judge, Family Court, Indore, whereby the claim for maintenance filed by revision petitioner No. 1/wife under Section 125 of the Cr.P.C. has been rejected, while maintenance of Rs.20,000/- per month has been awarded only to revision petitioner No. 2, the minor child, from the date of the order. By way of the present revision, the petitioners seek grant of maintenance to revision petitioner No. 1/wife and enhancement of the maintenance awarded to revision petitioner No. 2/minor child, claiming maintenance at the rate of Rs.3,00,000/- per month for both the revision petitioners.

02. Facts of the case in brief are that a marriage between the petitioner no.1 and respondent was solemnized on 06.05.2013 and child was born on



11.10.2015. An application under Section 125 for Cr.P.C. was filed on 09.03.2024 with allegations of ill treatment, extra marital affairs, economic abuse, neglect of maintenance from the date of living separate since first quarter of 2024. A demand of Rs.3,00,000/- per month was made submitting that husband is an M.Tech and MBA and working as DGM, EKI Energy Pvt. Ltd, Vijay Nagar, Indore and receiving salary of Rs.2,50,000/- per month. He runs a private company namely ECOCARB Private Ltd., possess many properties, cars and earning huge amount from rental income. The wife and minor child have filed an application for interim maintenance also.

03. The application was replied alleging that wife left the husband for no reason on 17.02.2024 and lodged false case under Section 498-A, 294 and 323 with 506/34 of IPC, his old age parents are suffering from brain stroke on 19.02.2024 due to the act of wife. She has deserted the matrimonial home alongwith the Istridhan for no reason. Wife has deprived the meeting of the husband with his minor child, wife is B.E. engineering degree holder from Rajiv Gandhi Engineering College, Bhopal. He co-operated his wife that she get success in examination conducted by MPPSC and other competitive examinations, but the conduct of the wife was not co-operative with the family of her husband.

04. Before the trial Court, revision petitioner No. 1/wife examined herself as PW-1 and exhibited documents marked as Exhibits P/1 and P/2. The respondent/husband examined himself as DW-1 and exhibited documents marked as Exhibits D/1 to D/12.

05. Upon appreciation of the evidence on record, the trial Court



rejected the claim for maintenance of revision petitioner No. 1/wife, holding that she was residing separately from the respondent/husband without sufficient cause. The trial Court further recorded that the respondent/husband had instituted proceedings for restitution of conjugal rights; but wife is not willing to cohabit with the respondent/husband. Thereafter, the trial Court recorded the finding that the respondent/husband earns only Rs.60,000/- as Director of ECOCARB Private Ltd. and have many financial liabilities. He have no other income and awarded only Rs.20,000/- per month to the revision petitioner/wife.

06. Challenging the impugned judgment and findings, the present criminal revision has been preferred on the ground that the trial Court erred in holding that revision petitioner No. 1/wife was residing separately without sufficient cause. It is contended that the said finding has been recorded without due appreciation of the First Information Report lodged at Police Station Tejaji Nagar, registered as Crime No. 70/2024 for the offences punishable under Sections 294, 323, 498-A and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. It is further submitted that the evidence regarding the respondent's income has also been discarded without assigning any cogent reasons.

Heard.

07. Learned counsel for the respondent/husband opposed the revision petition.

Perused the record.

08. The testimony of the respondent, Satish (DW-1), is to the effect



that after the solemnization of marriage on 06.05.2013 and the birth of a son out of the wedlock, revision petitioner No. 1/wife left the matrimonial home without any justifiable reason after about twelve years of marriage. He further deposed that the criminal report lodged against him was false and she is raising suspicion regarding his character.

09. When revision petitioner No. 1/wife is taking care of the minor child and an FIR against the respondent, exhibited as Exhibit P/1, is already on record, it cannot be held that she is residing separately without sufficient cause. The marital obligations of the wife are not confined only to the husband but it is also towards minor child. Therefore, the finding recorded by the trial Court is perverse only on the ground that the respondent/husband has preferred the application for restitution of conjugal rights, without appreciating the attending circumstances and the material available on record.

10. Now come to the question of assessment of income of the husband/respondent.

11. The order of the trial Court reveals that the entire burden was wrongly placed upon the wife to prove the husband's source of income. It is not an adversarial litigation; rather, it is a social welfare proceeding. Therefore, the trial Court ought to have placed the burden upon the husband to disclose all material facts regarding his income. The husband is an M.Tech. and MBA and is working as DGM at EKI Energy Pvt. Ltd., Vijay Nagar, Indore. As per his affidavit filed in compliance with *Rajnish v. Neha and Another*, (2021) 2 SCC 324, dated 11.03.2025, after more than one



decade of marital life and while maintaining a child of 10 years, the wife cannot be presumed to be earning so as to disentitle her from maintenance. The approach of the trial Court is not in accordance with law. The source of income may be concealed, but the status cannot be concealed. The husband cannot escape his liability to maintain the wife and minor child in accordance with their standard of living. Accordingly, this revision petition succeeds, and an amount of Rs.30,000/- is awarded in favour of revision petitioner No.1, and the maintenance awarded to revision petitioner No.2/minor child is enhanced from Rs.20,000/- per month to Rs.30,000/- per month, both effective from the date of application towards their maintenance.

12. The amount, if any already paid, shall be adjusted.

13. Let a copy of this order be sent to the family court for information and compliance along with the record.

C.C. as per rules.

(GAJENDRA SINGH)
JUDGE

VS