



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL REVISION No. - 3561 of 2026**

.....Revisionist(s)

Versus

State of U.P. and another

.....Opposite Party(s)

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Counsel for Revisionist(s) : Vatsala  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 86**

**HON'BLE PRAVEEN KUMAR GIRI, J.**

1. Heard Ms. Vatsala, learned counsel for the revisionist and Sri Pankaj Kumar, learned A.G.A. for the State.
2. Learned counsel for the revisionist submits that the instant criminal revision has been preferred with the relief which has been mentioned in the prayer clause. The relief mentioned in the prayer clause of the revision is delineated below:-

*"It is, therefore, Most Respectfully prayed that this Hon'ble Court may be pleased to allow the present revision and partially set aside the order dated 10.03.2026 passed by the learned Additional Principal Judge, Family Court, Jhansi in Case No. 621 of 2021 (Smt. Swati Agarria & another vs. Rajesh Chaturvedi), under Section 125 Cr.P.C, Police Station Kotwali, District-Jhansi to the extent of maintenance of Rs. 10,000/- granted to the opposite party no.2 (wife) and/or to pass such other and further order which this Hon'ble court may deem fit and proper in circumstance of the case"*

3. Learned counsel for the revisionists submits that divorce judgment and decree was granted on 30.07.2025 by the Additional Principal Judge, Family Court, Jhansi dissolving the subsisting marriage of the revisionist and O.P. No.2. She further submits that against dissolution of marriage, the revisionist (husband) has filed First Appeal No.736 of 2025 before this Court wherein in paragraph 4 of the short counter affidavit filed on

behalf of the wife (O.P. No.2) it has been deposed that O.P. No.2 after lapse of 30 days of the divorce judgment and decree dated 30.07.2025, she has remarried on 03.09.2025, and the same has been transcribed in the order dated 19.09.2025. The relevant portion of paragraph 4 of the short counter affidavit is being delineated below :-

*“4. That it is further submitted that after passing of impugned order dated 30.07.2025 the respondent wife has remarriage on 03.09.2025 after 30 days of passing of impugned order in this connection copy of the affidavit of wife/respondent dated 18.09.2025 is being file herewith and marked as Annexure-C.A.-1 to this affidavit.”*

4. The order dated 19.09.2025 is being delineated below :-

*“1. Ms. Suchita Mehrotra, learned advocate appears on behalf of appellant, who was husband in the marriage dissolved on judgement dated 30th July, 2025 of the Family Court. She submits, her client is aggrieved. The appeal was preferred in time. On caveat lodged, service has been made.*

*2. Mr. Arun Kumar Singh, learned advocate appears on behalf of respondent. He confirms service. The caveat is discharged. Formal notice of appeal is dispensed with.*

*3. Appellant will provide English translation of impugned judgement, on adjourned date. The lower Court record be called for.*

*4. Ms. Suchita Mehrotra prays for interim stay or impugned judgement. The statutory bar operates. On query Mr. Arun Kr. Singh submits, his client has remarried. 5. List on 14th October, 2025.”*

5. Learned counsel for the revisionist further submits that a notary affidavit has been annexed as Annexure 1 to the short counter affidavit and in paragraph 3 of the notary affidavit, O.P. No.2 has stated that she has performed second marriage. Paragraph 3 of the said affidavit is also being pasted below :-

3- यह कि मुझ शपथकर्ता ने उक्त आदेश में अपील अवधि के उपरोक्त दिनांक 03.09.2025 को अपने वरिष्ठ नागरिक व अस्वस्थ माता पिता की इच्छानुसार अपना व अपने अबोध पुत्र को ध्यान में रखते हुये पुनः विवाह कर लिया तथा बतौर पत्नी उसके साथ अपना दाम्पत्य जीवन यापन कर रही हूँ।

तस्दीक:- मैं शपथकर्ता उपरोक्त शपथपूर्वक तस्दीक करती हूँ कि उपरोक्त शपथपत्र की धारा 1 व 3 मेरे जातीय इल्म से सत्य व सही है इसमें कुछ छिपाया नहीं गया है और न ही कुछ झूठ है। यह तस्दीक आज दिनांक 18.09.2025 को अहावा कचहरी, झाँसी की सखी।

6. Learned counsel for the revisionist submits that in the proceeding of Section 125 Cr.P.C., the revisionist has filed an objection dated 30.10.2025 disclosing the fact in paragraph no.1 that after divorce order, O.P. No.2 has performed second marriage. The relevant portion of the objection filed in proceeding under Section 125 Cr.P.C. is being pasted below :-

न्यायालय श्रीमान अपर प्रधान न्यायाधीश, कुटुंब न्यायालय, झांसा

मु०सं० - 621/ 2021

श्रीमती स्वाती अगरिया बनाम राजेश चतुर्वेदी  
एवं एक अन्य

अ० धारा - 125 सी.आर.पी.सी.

थाना - कोतवाली, झांसा

विपक्षी की ओर से प्रार्थना पत्र अं. धारा 125(1) सी.आर.पी.सी. निम्न है।

श्रीमान जी,

सविनम्र निवेदन है कि -

यह कि सी.आर.पी.सी. की धारा 125(1) के स्पष्टीकरण "ख" के अनुसार - "पत्नी" के अंतर्गत ऐसी स्त्री भी है जिसके पति ने उससे विवाह विच्छेद कर लिया है या जिसने अपने पति से विवाह-विच्छेद कर लिया है और जिसने पुनर्विवाह नहीं किया है।

प्रार्थी संख्या १ ने दिनांक 03.09.2025 को पुनर्विवाह कर लिया है। प्रार्थी संख्या १ पुनर्विवाह करने से परिस्थितियों में परिवर्तन होने के कारण विपक्षी से भरण पोषण भत्ता प्राप्त करने की हकदार नहीं है। अब विपक्षी प्रार्थी सं. १ को भरण पोषण भत्ता देने के लिए आबद्ध नहीं है क्योंकि प्रार्थी सं. १ स्वाती अगरिया ने दिनांक 03.09.2025 पुनर्विवाह कर लिया है, विवाह करने के बाद कोई पत्नी केवल तब तक भरण-पोषण भत्ता प्राप्त करने का दावा कर सकती है जब तक उसने पुनर्विवाह नहीं किया हो।

यह कि मु०सं० - 583/2021 अं. धारा 13 हिन्दू विवाह अधिनियम में इस माननीय न्यायालय द्वारा वादी स्वाती अगरिया एवं प्रतिवादी राजेश चतुर्वेदी का विवाह दिनांकित 18.02.2018 आदेश दिनांकित 30.07.2025 द्वारा विचटित किया गया था।

यह कि विपक्षी ने इस माननीय न्यायालय के मुकदमा उपर्युक्त 583/2021 अं. धारा 13 हिन्दू विवाह अधिनियम में आदेश दिनांकित 30.07.2025 के विरुद्ध माननीय उच्च न्यायालय इलाहाबाद में अपील स. FAPL/736/2025 दायर की जिसकी प्रथम सुनवाई 19.09.2025 को हुई थी।

9. यह कि माननीय उच्च न्यायालय इलाहाबाद में उपर्युक्त सुनवाई दिनांकित 19.09.2025 में अपील स. FAPL/736/2025 की प्रतिउत्तरदाता स्वाती अगरिया की ओर से उपस्थित विद्वान अधिवक्ता ने माननीय उच्च न्यायालय

7. Learned counsel for the revisionist submits that this fact was informed to the trial court of Additional Principal Judge, Family Court, Jhansi even then the Court has ignore the said objection and directed the revisionist to pay maintenance amount to the wife/O.P. No.2 vide order dated 10.03.2026. The operative portion of the order dated 10.03.2026 is being pasted below :-

आदेश

याचिनी द्वारा प्रस्तुत याचिका 621/ 2021 श्रीमती स्वाती अगरिया आदि बनाम राजेश चतुर्वेदी अं० धारा 125 दं०प्र०सं० आंशिक रूप से इस आशय से स्वीकार किया जाता है कि विपक्षी राजेश चतुर्वेदी याचिनी श्रीमती स्वाती अगरिया को वाद पत्र प्रस्तुत करने की दिनांक 29. 07. 2021 से 10,000/- (दस हजार रुपये) प्रतिमाह व याची सं० 2 पुत्र मेदान्श को 5,000/- (पांच हजार रुपये) प्रतिमाह कुल 15,000/- (पंद्रह हजार रुपये) प्रतिमाह की धनराशि नियमित रूप से अदा करे। विपक्षी द्वारा अंतरिम भरण पोषण धनराशि आदेश दिनांकित 08. 12. 2023 के अनुपालन में याचीगण को अदा की जा रही भरण पोषण धनराशि इस आदेशित भरण पोषण धनराशि में समयोजित की जाएगी।

दिनांक:- 10. 03. 2026

( हरिश्चन्द्र )

J.O. No. UP 1757  
अपर प्रधान न्यायाधीश,  
पारिवारिक न्यायालय,  
झांसी।

8. Learned counsel for the revisionist further submits that after remarriage, O.P. No.2 is not entitled for any maintenance and so far as maintenance to minor son is concerned, for him the revisionist has no objection and he is ready to pay Rs.5000/- per month to the minor son in compliance of order dated 10.03.2026.
9. Issue notice to O.P. No.2 for filing counter affidavit within two weeks from today.
10. Sri Harish Chandra, Additional Principal Judge, Family Court, Jhansi, J.O. No.UP 1757 is directed to submit his explanation as to why despite disclosing the fact of second marriage of the applicant (wife)/O.P. No.2 herein in the objection dated 30.10.2025 even then he has passed the order directing the revisionist to pay Rs.10,000/- to the wife. ,
11. Put up this case as fresh on 21.07.2026.
12. Learned A.G.A. is directed to communicate this order to O.P. No.2 through the concerned police station.

13. The Registrar (Compliance) is directed to communicate this order to the Chief Judicial Magistrate, Jhansi for communication to O.P. No.2 immediately, so that she may appear before this Court either personally or through counsel on the next date. He is also directed to communicate this order to the concerned Additional Principal Judge, Family Court, Jhansi for submitting his explanation, as mentioned above, on or before the next date.

**(Praveen Kumar Giri,J.)**

**July 07, 2026**  
Manish Himwan