



2026:AHC:138955

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7753 of 2025

Smt. Pinki Alias Preeti

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Phool Singh Yadav, Vaibhav Yadav
Counsel for Opposite Party(s)	:	G.A., Rakesh Kumar Dubey

Along with :

CRIMINAL REVISION No. - 5226 of 2024

Shri Jai Prakash

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Shiv Shanker Mishra
Counsel for Opposite Party(s)	:	G.A., Phool Singh Yadav

Reserved on 26.05.2026

Delivered on 10.07.2026

Court No. - 18

HON'BLE ACHAL SACHDEV, J.

1. The aforesaid Criminal Revision Nos.7753 of 2025 and 5226 of 2024
have been preferred against the common judgment and order dated

31.08.2024, passed by the passed by Principal Judge Family Court, Kanpur Dehat, in Case No.656 of 2021(Smt. Pinki @ Priti Vs. Shri Jay Prakash), under Section 125 of Cr.P.C., Police Station Akhbarpur (Wrongly mentioned P.S. Mangalpur), District-Kanpur Dehat, by which the opposite party no.2/husband was directed to pay Rs.12,000/- per month to the revisionist/wife, from the date of application i.e. 26.1.2021. Since both revisions arise out of the same judgment, they are being decided by this common order to obviate the possibility of inconsistent findings.

2. Criminal Revision No.7753 of 2025 has been preferred by the revisionist (applicant before the trial court), being aggrieved by the order dated 31.08.2024, whereby the application under Section 125 Cr.P.C. filed by revisionist (opposite party no.2 in Criminal Revision No.5226 of 2024) was allowed and the learned trial court directed the opposite party no.2/husband to pay maintenance at the rate of Rs.12,000/- per month to the revisionist (Smt. Pinki @ Ashi Verma) with effect from the date of filing of the application under Section 125 Cr.P.C. i.e. 26.11.2021. By way of the present revision, the revisionist/wife seeks modification of the impugned order dated 31.08.2024, by enhancement of the maintenance awarded to revisionist/wife (applicant before the trial court), without assailing the legality of the order passed by the trial court.

3. Criminal Revision No.5226 of 2024 has been preferred by the revisionist (opposite party before the trial court), being aggrieved by the order dated 31.08.2024, whereby the trial court awarded maintenance of

Rs.12,000/- per month to opposite party no.2 (Smt. Pinki @ Ashi Verma) with effect from the date of filing of the application under Section 125 Cr.P.C. i.e. 26.11.2021.

4. The brief facts necessary for the disposal of both the aforesaid revisions are that an application seeking maintenance was filed by the revisionist, Smt. Pinki Alias Preeti, for herself under Section 125 Cr.P.C. against her husband, Jai Prakash.

5. Learned counsel for the revisionist **in Criminal Revision No.7753 of 2025** submitted that the marriage of the revisionist has been solemnized with the opposite party no.2 on 13.02.2010 according to Hindu customs and rites with sufficient dowry as per the capacity of the parents of the revisionist. After marriage the in-laws of the revisionist were not satisfied with the dowry and they further demanded one Alto Car continuously. On non fulfillment of the said demand, the opposite party no.2/husband and his family started torturing and causing physical and mental agony to the revisionist/wife. On 02.04.2014, the revisionist was beaten fatally by the opposite party no.2 and his family, in which she received serious injuries and in this respect she lodged a first information report, which was registered as Case Crime No.251 of 2014, under sections 498-A, 323, 308, 504, 506 IPC & section 3/4 D.P. Act. Thereafter, the investigating officer after conducting investigation submitted charge-sheet against the opposite party no.2/husband and his family, which is pending, and the revisionist is residing at her parental house Kanpur Nagar, having no source of income to maintain herself.

6. Learned counsel for the revisionist further contended that the revisionist/wife has received Rs.9000/- per month from 2017 to 2019 as maintenance from the husband/opposite party no.2. Therefore, she withdrew the Case No.395 of 2015, under Section 125 C.r.P.C., however, after the Divorce Suit No.592/2016, under Section 13 of Hindu Marriage Act, was decreed in favour of the opposite party no.2 on 18.11.2019, he deliberately stopped making payment of maintenance to the revisionist. Thereafter, having no source of livelihood and no other option, the revisionist filed Case No.656 of 2021, under Section 125 C.r.P.C. wherein the revisionist stated that the opposite party no.2/husband is having monthly income of Rs.86,674/- per month and established the same before the learned trial court by adducing the respective documents, despite the same, the learned trial court awarded only Rs.12,000/- per month in favour of the revisionist/wife, which is insufficient and without considering the expenses of the revisionist thus the same is liable to be enhanced.

7. Learned counsel for the opposite party no.2 vehemently opposed the arguments advanced by the revisionist and submitted that the revisionist explicitly refused to live in the joint family of the opposite party no.2/husband and, when her stubborn demands were not met, she attempted to intimidate the opposite party no.2 by threatening to commit suicide. In the month of October 2013, in the absence of the opposite party no.2, the revisionist left her matrimonial house, without informing anyone, taking her stridhan and the jewelry of opposite party no.2's mother with her. Dejected, the opposite party no.2/husband instituted a

suit under Section 9 of the Hindu Marriage Act, in the trial court concerned for restitution of conjugal rights and in retaliation to the said matrimonial suit, the revisionist registered a first information report against the opposite party no.2 and his family members. Thereafter, the opposite party no.2 filed Matrimonial Petition bearing No.592 of 2016 (Jai Prakash Singh Vs. Smt. Pinki), under section 13 of the Hindu Marriage Act and was granted decree of divorce in its favour, vide order dated 18.11.2019 passed by the Additional Principal Judge, Family Court, Kanpur Dehat, and also directed the opposite party no.2 to pay Rs.50,000/- as permanent alimony towards maintenance of the revisionist/wife. The same amount has been deposited by the opposite party no.2/husband in the account of the revisionist/wife.

8. Learned counsel for the opposite party no.2 further submits that the Principal Judge, Family Court, Kanpur Dehat granted maintenance in favour of the revisionist vide its impugned order dated 31.08.2024 and directed the opposite party no.2 to pay the maintenance amount of Rs.12,000/- per month to the revisionist/wife, which was challenged by the opposite party no.2/husband, bearing Criminal Revision No.5226 of 2024 (Jai Prakash Vs. State of U.P.), before this Court, wherein an interim order has been granted in favour of the opposite party no.2 vide order dated 05.12.2025, subject to deposit of the arrears of maintenance from 26.11.2021 till date, along with the legal expenses within six weeks and continuing payment of an amount of Rs.6,000/- per month to the revisionist. Learned counsel for the opposite party no.2 submits that after

the said order the opposite party no.2 has paid Rs.6,83,604/- in the account of the revisionist/wife.

9. Heard Sri Phool Singh Yadav, learned counsel for the revisionist, Sri Rakesh Kumar Dubey, learned counsel for the opposite party no.2, Sri Jhamman Ram, learned AGA for the State and perused the record, in Criminal Revision No.7753 of 2025.

10. Heard Sri Shiv Shanker Mishra, learned counsel for the revisionist, Sri Phool Singh Yadav, learned counsel for the opposite party no.2, Sri Jhamman Ram, learned AGA for the State and perused the record, in Criminal Revision No.5226 of 2024.

11. Perusal of the impugned order dated 31.8.2024 shows that the learned trial court allowed the application under Section 125 Cr.P.C. moved by the revisionist, primarily on the ground that in compliance with the guidelines issued by the Hon'ble Supreme Court in the case of **Rajnish v. Neha (2021) 2 SCC 324**, an affidavit regarding the assets and liabilities has been filed by the revisionist/wife, but the opposite party no.2/husband has not filed any affidavit in this regard. From the evidences on record, it is reasonably clear that the revisionist has no sufficient means of income and is unable to maintain herself, whereas the opposite party no.2 has sufficient means of income. Since the revisionist has not remarried after the divorce, and an appeal is pending before the High Court against the decree of divorce passed by the learned trial court, under such circumstances, the revisionist is entitled to receive maintenance amount from the opposite party no.2. According to the salary slip of June-2024 of the opposite party no.2, the total gross

amount payable to the opposite party no.2 as salary is described as Rs.86,674/- per month and the amount deposited in the bank is Rs.67,043/-. There is no other factual evidence on record contrary to or in rebuttal of the said documentary evidence, therefore, the opposite party no.2 is directed to ensure the payment of maintenance to the revisionist of Rs.12,000/- per month, from the date of filing of the application i.e. 26.11.2021 and Rs. 5,000/- towards litigation expenses.

12. Perusal of record shows that the revisionist has moved an application under section 125 Cr.P.C. seeking maintenance from her husband the opposite party no.2/husband on the ground of maltreatment and cruelty meted out to her on the ground of illegal demand of dowry and a criminal case was filed against the opposite party no.2/husband by the revisionist/wife, in this regard, in which the charge sheet has been submitted before the trial court and the trial is pending. The revisionist has submitted before the trial court that she does not have any source of income and she is the legally wedded wife of the opposite party no.2. The fact of the marriage has not been denied by the opposite party no.2/husband and after hearing both the parties, the trial court has reached the conclusion that due to alleged illegal demand of dowry, the revisionist/wife started living separately with her husband/opposite party no.2 at her parental house since 02.04.2014.

13. A divorce petition was filed by the opposite party No.2/husband against the revisionist/wife, which was decreed in favour of the opposite party No. 2 on 18.11.2019. It was nowhere alleged by the opposite party No.2 before the trial court that the revisionist/wife had remarried or was

living in adultery so as to disentitle her from claiming maintenance from the opposite party No.2/husband.

14. It is a settled principle that when a party seeks enhancement of maintenance in revision, the High Court is bound by the statutory limits of revisional jurisdiction. Such jurisdiction is confined to examining legality, propriety, or jurisdictional correctness. The revisional court may quash, remit, or set aside an order if it is perverse or illegal, but it cannot substitute its own factual determination. Revisional power is supervisory, not appellate.

15. The revisional court cannot ordinarily increase or reduce the quantum of maintenance. The determination of quantum is a substantive adjudication based on evidence. Even if the trial court awarded a meager amount, the High Court in revision cannot enhance it.

16. Relief in revision is generally limited to: (i) setting aside the order, (ii) correcting procedural defects, or, (iii) remanding the matter for fresh consideration.

17. Interference is warranted only where: (i) the Magistrate acted without jurisdiction or failed to exercise jurisdiction vested in him; (ii) the order is contrary to law or violates statutory provisions; (iii) there is serious procedural irregularity affecting fairness; (iv) findings are perverse, i.e., based on no evidence; (v) material evidence has been ignored or settled principles misapplied; the order results in grave injustice or hardship.

18. In **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy**, (2017) 14 SCC 200, the Supreme Court held that, as a general guideline, 25% of the husband's net monthly salary may be treated as a just and proper figure for spousal maintenance, subject to variation depending on circumstances. However, where the applicant has made only oral submissions without leading evidence of net income, the trial court cannot assess maintenance with certainty. Affidavits of income, assets, and liabilities are essential, and failure to file them must be taken adversely.

19. In **Rajnesh v. Neha**, (2020) 12 SCC 324, para 128.3, the Supreme Court directed that if an order passed in a previous proceeding requires modification or variation, it must be done in the same proceeding in which the order was passed.

20. Enhancement necessarily requires proof of changed circumstances, involving adducing and evaluating fresh evidence. Revisional courts lack the power to conduct such an evaluation.

21. Where the applicant before the trial court has made only an oral submission without leading any evidence regarding the net income of the opposite party, it becomes virtually impossible for the trial court to assess the maintenance amount with reasonable certainty so as to award just maintenance. In such a situation, the affidavits of income, assets, and liabilities filed by the applicant and the opposite party assume crucial importance. The trial court is under an obligation to direct the contesting parties to file their respective affidavits of income, assets, and

liabilities, and failure to comply must be taken adversely against the defaulting party.

22. Even when both sides have furnished their affidavits, the court, while deciding the quantum of maintenance, must take into consideration the statements made therein and documentary evidence, if any, filed in support thereof. Absence of such consideration clearly indicates that the decision has been taken in haste, ignoring the binding guidelines. Where the court has ignored admitted income and reached its own conclusion unsupported by the record, the revisional court may interfere, upset the finding on quantum, and correct the error.

23. The Supreme Court, in the case of **Rajnesh Vs. Neha**(Supra), expressly held that there is no straitjacket formula for fixing maintenance, and courts must consider: status of parties, actual income, liabilities, needs of wife and children, earning capacity of wife, standard of living, dependents, etc.

24. The Hon'ble Supreme Court in the case of **Bhuwan Mohar Singh Vs. Meena** (2015) 6 SCC 353, in paragraph 13 has observed that :-

“Para 13. The purpose of highlighting this aspect is that in the case at hand the proceeding before the Family Court was conducted without being alive to the Objects and Reasons of the Act and the spirit of the provisions under Section 125 of the Code. It is unfortunate that the case continued for nine years before the Family Court. It has come to the notice of the Court that on certain occasions the Family Courts have been granting adjournments in a routine manner as a consequence of which both the parties suffer or, on certain occasions, the wife becomes the worst victim. When such a situation occurs, the purpose of the law gets totally atrophied. The Family Judge is expected to be sensitive to the issues, for he is dealing with extremely delicate and sensitive issues pertaining to the marriage and issues ancillary thereto. When we say this, we do not mean that the Family Courts should show undue haste or impatience, but there is a distinction between impatience and to be

wisely anxious and conscious about dealing with a situation. A Family Court judge should remember that the procrastination is the greatest assassin of the lis before it. It not only gives rise to more family problems but also gradually builds unthinkable and Everestine bitterness. It leads to the cold refrigeration of the hidden feelings, if still left. The delineation of the lis by the Family Judge must reveal the awareness and balance. Dilatory tactics by any of the parties has to be sternly dealt with, for the Family Court Judge has to be alive to the fact that the lis before him pertains to emotional fragmentation and delay can feed it to grow. We hope and trust that the Family Court Judges shall remain alert to this and decide the matters as expeditiously as possible keeping in view the Objects and Reasons of the Act and the scheme of various provisions pertaining to grant of maintenance, divorce, custody of child, property disputes, etc.”

25. In the case **Vanamala Vs. H.M. Ranganatha Bhatta, 1995(5) SCC 299**

Hon’ble Supreme Court has held that grant of divorce does not disentitle a legally wedded wife who has not remarried or living in adultery, is entitled to seek maintenance from her husband.

“Section 125(4) No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.”

26. Keeping in view the prevailing rate of inflation, the amount of maintenance awarded to the revisionist is neither just nor adequate for her sustenance and is not commensurate with the standard of living to which she is entitled. Therefore, enhancement of the amount awarded towards maintenance would be just, proper, and necessary to ensure her livelihood.

27. The revisionist established before the trial court that she had started residing at her parental home due to the ill-treatment and cruelty meted out to her by the opposite party No. 2 (husband) in connection with the

alleged demand for dowry. The opposite party No. 2 failed to establish that the revisionist had deserted or abandoned him.

28. Moreover, it is an admitted fact that the opposite party No. 2/husband had filed a divorce petition against the revisionist/wife, which was decreed in his favour. However, the mere grant of a decree of divorce does not disentitle a woman, who was the legally wedded wife of the opposite party No.2 and is unable to maintain herself, from claiming maintenance so long as she has not remarried. The object of maintenance is to ensure that the wife is able to live with dignity and not merely survive.

29. So the present legal position is, 25% is only a broad guideline/benchmark and is not mandatory. The Courts can award more or less depending on facts. "Net income" generally means income after mandatory deductions/taxes, not gross salary.

30. In the light of aforesaid circumstances and perusal of the impugned order shows that the total gross amount payable to the opposite party no.2/husband, as salary, is described as Rs.86,674/- per month and the amount deposited in the bank is Rs.67,043/-. Therefore, in the light of the judgment of **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200**, passed by Hon'ble Supreme Court, the present criminal revision is liable to be allowed.

31. In the light of the foregoing discussion, the **Criminal Revision No.7753 of 2025(Smt. Pinki Alias Preeti Vs. State of U.P. and Another)** is hereby **allowed** and the amount of maintenance is enhanced from

Rs.12,000/- to Rs.20,000/- per month i.e. to be paid to the revisionist/wife by the opposite party no.2/husband, from the date of filing of the application under section 125 Cr.P.C. before the learned trial court i.e. 26.11.2021.

32. So far as the **Criminal Revision No.5226 of 2024(Shri Jai Prakash Vs. State of U.P. and Another)** is concerned, in view of the above discussion, this Court finds that there is no perversity or illegality in the impugned order dated 31.08.2024 and as such it requires no interference, therefore, the **Criminal Revision No.5226 of 2024(Shri Jai Prakash Vs. State of U.P. and Another)** is hereby **dismissed**.

33. Both the criminal revisions are accordingly decided in the above terms.

34. Let a copy of the judgment be placed on the record of **Criminal Revision No.5226 of 2024(Shri Jai Prakash Vs. State of U.P. and Another)**.

July 10, 2026

VKG

(Achal Sachdev,J.)