



2026:AHC:165890

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1366 of 2026

Devansh Alias Chhotu

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Kameshwar Singh, Sudhanshu Kumar Singh
Counsel for Opposite Party(s):	:	G.A., Rahul Agrawal, Vishwa Pratap Singh

Court No. - 86

HON'BLE ACHAL SACHDEV, J.

1. List has been revised.
2. No one appears on behalf of the revisionist.
3. However, Sri Rahul Agrawal, learned counsel for the opposite party no. 2 and learned A.G.A. for the State are present.
4. The hearing of the present revision petition shall proceed in absence of the learned counsel for the revisionist.
5. The present revision has been preferred by the revisionist being aggrieved by judgement and order dated 30.03.2024 passed by Additional Principal Judge, Family Court, Gautam Buddh Nagar in Case No. 63/2019, Smt. Sheetal alias Priyanka Vs. Devansh alias Chhotu u/s 125 Cr.P.C., Police Station- Knowledge Park, District- Gautam Budh Nagar, by which the trial court allowed the application filed by the applicant (opposite party no. 2 herein) and awarded a sum of Rs.20,000/- per month from the date of filing of application to be paid within three months from the date of judgement and also awarded maintenance of Rs.20,000/- per month to be paid by the revisionist from the date of judgement.
6. The facts of the case in brief is that the marriage of the applicant

with the opposite party was solemnized on 24.07.2017 according to Hindu customs at village- Tughlaqpur, Police Station- Knowledge Park, District- Gautam Buddh Nagar, and that her father incurred substantial expenses on the marriage and provided dowry according to his means; however, the opposite party and his family were not satisfied and repeatedly demanded additional dowry, including a Swift car and a 100-square-yard plot, and subjected her to continuous harassment, abuse and physical assault. Despite informing her parents about the demands and enduring the ill-treatment in the hope that matters would improve, the harassment continued and the opposite party and his family allegedly threatened to remarry her and refused to keep her in the matrimonial home. On 30.03.2018, the opposite party and his family members allegedly assaulted the applicant severely and confined her, following which, on 02.04.2018, she managed to inform the police, who brought her to the police station, allegedly compelled her to write an apology and thereafter released her. Since 02.04.2018, she has been residing at her parental home, where she claims to be solely dependent upon her aged and financially weak father, while the opposite party and his family have retained her stridhan and have neither made any effort to inquire about her welfare nor provided her maintenance. It has further been stated in the application that the opposite party is a software engineer earning approximately Rs.70,000/- per month and that he and his family possess various properties and businesses, including a paint and hardware shop, rental premises, a house, shops, approximately 20 bighas of land and two vacant plots, allegedly generating around Rs.2,00,000/- per month, and is therefore, financially capable of maintaining her. As the applicant has no independent source of income and is wholly dependent upon her father, she has claimed maintenance of Rs.30,000/- per month from the opposite party.

7. Learned counsel for the opposite party no. 2 has submitted that the revisionist has failed to press the revision on numerous dates and has not paid any sum towards maintenance despite direction to this effect given by the trial court that the revisionist shall pay the sum awarded to the opposite party no. 2 by the 10th of every month. It has been further submitted that the impugned order does not suffer from

any illegality warranting interference by this Court.

8. Perused the record.

9. The trial court has, on the basis of contentions made by the applicant and the opposite party, framed the following five issues :-

(i) Whether the applicant is legally wedded wife of opposite party ?

(ii) Whether the applicant is compelled to live separately from the opposite party on the basis of reasonable and sufficient reasons ?

(iii) Whether the applicant is unable to support herself ?

(iv) Whether the opposite party is wealthy enough to provide maintenance and is not maintaining the applicant as per his status ? If yes, then how much maintenance should be paid by the opposite party ?

(v) From when is the applicant entitled to receive maintenance ?

10. The applicant and the opposite party were married according to Hindu customs on 24.07.2017 and the fact is not denied by the opposite party. The allegation of applicant is that she was being harassed and treated with cruelty over demand of dowry. The applicant has stated that since 02.04.2018, she has been residing at her parental home, where she claims to be solely dependent upon her aged and financially weak father. The applicant has also stated that the opposite party and his family have retained her stridhan and have neither made any effort to inquire about her welfare nor provided her maintenance.

11. From perusal of above finding of trial court, it transpires that the applicant was treated with cruelty over alleged demand of dowry and since she had left her matrimonial house, the opposite party has not provided maintenance amount to his wife and trial court has concluded that the applicant has sufficient reason to reside separately from her husband. The trial court has rightly concluded in deciding issue no. (ii) and (iii) and as far as issue no. (iv) is concerned, the trial court has rightly held that the opposite party is not maintaining the applicant as per his status as is evident from the

documents filed by him.

12. It is the moral duty and social responsibility of husband to maintain his wife and minor child. The husband's duty to maintain his wife and minor child is not only a matter of legal obligation, but also social and moral responsibility, and this assumes greater importance where the wife does not have a source of income of her own. Her husband's support sustains the family unit, ensuring that the wife and children are not marginalized or forced into poverty, and society views the husband as provider and neglecting this role often leads to social disapproval and stigma. Marriage creates a moral point of care and protection, and the husband is morally obliged to safeguard the dignity and well-being of his wife and provide for minor child. It is fundamental duty rooted in love, compassion and responsibility, and even beyond the law and custom, it is the matter of conscience to prevent suffering of those who are dependent on him. The right to maintenance is not a matter of charity, but a statutory right flowing from marital point and parental duty. The husband being a natural guardian and provider carries a social as well as moral responsibility to ensure that the wife and child are not reduced to penury and maintenance is not a bounty, but a right and its denial would compel the wife to lead a life of destitution which the law cannot countenance. The obligation is rooted not merely in statutory command, but in conscience of society for undermining the neglect of both familial, statutory and social order.

13. The Hon'ble Supreme Court in **Bhuvan Mohan Singh Vs. Meena, (2015) 6 SCC 353** has emphasized that maintenance is a measure of social justice and meant to prevent vagrancy and destitution whereas in the case of **Chaturbhuj Vs. Sitabai, (2008) 2 SCC 316**, the Hon'ble Supreme Court has observed that the object of maintenance is to ensure that the wife is not left in penury and that the husband's responsibility flows from the very status of marriage. The law thus recognizes that the husband's duty is rooted in social conscience and moral responsibility and its denial would undermine both familial stability and social order.

14. Article 39(a) and (f) and the Directive Principles of State Policy mandate citizens the right to adequate means of livelihood and the children are given opportunities to develop in a healthy manner and

maintenance provisions as contained in Section 125 Cr.P.C./144 BNSS operationalize these directives. Article 21 of the Constitution of India embodies the right to life and personal liberty, which includes the right to live with dignity and denial of maintenance forcing the wife into destitution is a violation of this constitutional guarantee. Constitutional ethos embodied in Articles 15(3), 21 and 39 mandate that the husband's obligation to maintain his wife and minor child be construed not merely as a statutory duty but as a facet of social justice. The maintenance ensures that the wife is not compelled to lead a life of destitution for such deprivation would offend the dignity guaranteed under Article 21. The Directive Principles, particularly, Articles 39 and 41 reinforces the particular purpose of the provision thereby situating the husband's responsibility in laying the constitutional conscience of the nation. In the case of **Chaturbhuj (supra)**, the Hon'ble Supreme Court has observed that maintenance is a right to prevent penury and it is not conditional upon proof of neglect.

15. The trial court, while passing the impugned order, has also taken into consideration the fact that the applicant does not have a source of income whereas the opposite party has sufficient means to maintain his wife. Therefore, the impugned order is very well reasoned and justified.

16. In the light of the foregoing discussion, the impugned judgment and order dated 30.03.2024 passed by Additional Principal Judge, Family Court, Gautam Buddh Nagar in Case No. 63/2019, Smt. Sheetal alias Priyanka Vs. Devansh alias Chhotu u/s 125 Cr.P.C., Police Station- Knowledge Park, District- Gautam Budh Nagar, warrants no interference by this Court. The present revision is liable to be dismissed.

17. Accordingly, the present criminal revision is hereby **dismissed**.

August 7, 2026

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(Achal Sachdev,J.)