



2026:AHC:175850

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5107 of 2026

Faisal

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

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

Court No. - 86

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Anees Baig, learned counsel for the revisionist and Sri Sunil 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 kindly be pleased to allow the revision and quash impugned judgment and order dated 16.05.2026 passed by Additional Principal Judge Family Court No.2, Firozabad in Criminal Misc. Cases No. 107 of 2020 (Smt. Mehtab Bano and another Vs Faisal) under Section 125 Cr.P.C. District-Firozabad.

And/or be pleased to grant such other and further relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the revisionist submits that vide impugned order dated 16.05.2026, the revisionist has been directed to pay Rs.2000/- per month to the wife/opposite party no.2 and Rs.1000/- per month to the minor daughter/opposite party no.3 from the date of application i.e. 29.01.2020 as maintenance amount. He further submits that the revisionist is a poor person and quantum of maintenance awarded by the trial court is excessive and beyond the financial capacity of the revisionist. He further

submits that opposite party no.2 has left her matrimonial home on her own sweet will and she is living separately from her husband (revisionist) without any sufficient reason, therefore, she is not entitled to get any maintenance amount as per the provisions of Section 125(4) Cr.P.C./144(4) BNSS. He further submits that the concerned Family Court has failed to consider the aforesaid aspect of the matter while granting maintenance to the opposite party nos.2 and 3 (i.e. wife and minor daughter) from the date of application vide impugned order dated 16.05.2026, as such, the impugned order is liable to be set aside.

4. Per contra, learned A.G.A. vehemently opposes the revision and contends that the concerned Family Court has awarded only a meagre amount of Rs.3000/- to wife/opposite party no.2 and minor daughter/opposite party no.3 as maintenance amount for their sustenance. He further submits that Section 125 Cr.P.C./144 BNSS has been conceived to ensure that a woman, who has left or thrown out of matrimonial house, can sustain herself and her children. He further submits that through catena of decisions rendered by the Hon'ble Supreme Court as well as different High Courts, time and again it has been held that concept of sustenance does not necessarily mean "to lead the life of an animal", rather the wife would be entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. He further submits that the impugned order dated 16.05.2026 has been passed after thoroughly analyzing and scrutinizing the evidence available on record and the same is a reasoned and speaking order, as such, no interference is required by this Court.

5. Having considered the submissions advanced by learned counsel for the parties and on perusal of the record, it transpires that vide impugned order dated 16.05.2026, the Additional Principal Judge, Family Court No. 2, Firozabad has directed the revisionist to pay Rs.2000/- per month to the wife/opposite party no.2 and Rs.1000/- per month to the minor daughter/opposite party no.3 from the date of application (i.e. total Rs.3000/- per month). Undoubtedly, the maintenance amount of Rs.3000/- per month granted by the concerned Family Court, by no stretch of imagination, can be said to be on the higher side, rather the same is too meagre amount for maintenance of a person in today's

context, hence this Court is of the view that there is no need for any interference.

6. In view of aforesaid facts and circumstances of the case, I find that filing of this revision is nothing but pure abuse of process of law and there is no merit in this revision as it seems that the same has been filed just to delay the payment of maintenance amount to the wife/opposite party no.2 and the minor daughter/opposite party no.3.

7. The instant criminal revision is, accordingly, **dismissed**. However, it is directed that the Additional Principal Judge, Family Court No.2, Firozabad shall proceed to execute its maintenance order dated 16.05.2026 in accordance with law, as expeditiously as possible.

8. The Registrar (Compliance) is directed to communicate this order forthwith to the Additional Principal Judge, Family Court No.2, Firozabad for information and necessary compliance.

(Praveen Kumar Giri,J.)

August 20, 2026
Manish Himwan