



2026:AHC:177034

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5113 of 2026

Anil Kumar @ Aneel Kumar

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Vinay Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Vinay Kumar Srivastava, 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:-

"The present first is being preferred by the revisionists under Section 438/442 against the order dated 08.07.2026 passed by Sri Gopal Upadhyay (H.J.S.), the learned Principal Judge, Family Court, Etah on Application 20B Misc. Case No. 212 of 2022 (Neetu and others Vs. Anil Kumar) U/s 125 Cr.P.C. Police Station Awagarh, District Etah witcreby the learned Principal Judge, Family Court Etah awarded interim maintenance to the O.P. No. 2 to 4 on higher side."

3. Learned counsel for the revisionist submits that the Principal Judge, Family Court, Etah vide order dated 08.07.2026 directed the revisionist to pay Rs.3000/- per month to his wife/opposite party no.2 and Rs.2000/- per month each to minor daughters/opposite party nos.3 and 4 as an interim maintenance from the date of application i.e. 30.04.2022. He further submits that the amount of interim maintenance does not commensurate with the income of the revisionist. He further submits that yet no evidence has been adduced by the revisionist even then the amount of interim maintenance, to the tune of Rs.7000/- per month (Rs.3000/-per

month to wife and Rs.2000/- per month each to minor daughters) has been granted by the trial court. He further submits that the revisionist is ready to pay the interim maintenance amount from the date of order and if opposite party nos.2, 3 and 4 succeed in the pending application under Section 125 Cr.P.C./144 BNSS before the trial court, then maintenance may be granted from the date of application as per law laid down by the Hon'ble Supreme Court in the judgment of **Rajnish vs. Neha and another, (2021) 2 Supreme Court Cases 324**. He further submits that he does not want to press this revision on merits and it may be disposed of giving direction to the concerned Family Court to finally adjudicate the application under Section 125 Cr.P.C./144 BNSS expeditiously. He further submits that in the interest of justice the arrears of the maintenance amount from the date of application i.e. 30.04.2022 may be kept in abeyance till the final disposal of the pending application under section 125 Cr.P.C./144 BNSS. He further undertakes that if this Court accepts the aforesaid request of the revisionist, the revisionist will clear all the dues/arrears of the maintenance amount from the date of the order i.e. 08.07.2026 and he will also pay the interim maintenance amount to his wife and minor daughters regularly on monthly basis.

4. In view of above facts and circumstances and in interest of justice, without issuing notice to opposite party nos.2, 3 and 4 the order dated 08.07.2026 is modified to the extent that the arrears of interim maintenance amount starting from the date of application i.e. 30.04.2022 upto 07.07.2026 shall remain stayed till the final decision of the pending application under Section 125 Cr.P.C./144 BNSS. However, the revisionist is directed to clear all the dues/arrears of maintenance amount from the date of the order i.e. 08.07.2026 and shall pay the maintenance amount to his wife and minor daughters regularly on monthly basis.

5. In case, the revisionist fails to comply with any of the aforesaid directions, the Principal Judge, Family Court, Etah, will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 08.07.2026 as per prevailing law. The Principal Judge, Family Court, Etah is directed to pass final order on the pending application under section 125 Cr.P.C./144 BNSS, preferably within a period of six months, providing opportunity of hearing to the

parties, without granting any unnecessary adjournments, in the light of law laid down by the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324.**

6. With the aforesaid directions, this revision is **disposed of.**

(Praveen Kumar Giri,J.)

August 21, 2026
Manish Himwan