



2026:AHC:174780

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5019 of 2026

Dhirendra Kumar Sharma

.....Revisionist(s)

Versus

State Of U.P. And 4 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rameshwar Prasad Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Rameshwar Prasad Mishra, 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 graciously be pleased to allow the Criminal Revision and quashed the impugned order and judgment dated 25-05-2026 in Criminal Case no. 669/2024 under section 125 Cr.P.C. (Smt. Mithlesh and others Vs Dhirendra Kumar Sharma), passed by Principal Judge, Family Court, Badaun, otherwise Revisionist shall suffer irreparable loss and injury.

It is further prayed that this Hon'ble court may graciously be pleased to stay the effect of Criminal Case no. 669/2024 under section 125 Cr.P.C. (Smt. Mithlesh and others Vs Dhirendra Kumar Sharma), passed by Principal Judge, Family Court, Badaun/or to pass such other and further order, which this Hon'ble Court may deem fit and proper in the interest of justice."

3. Learned counsel for the revisionist submits that the trial court by impugned order dated 25.05.2026, granted maintenance to the tune of Rs.4,000/- to the wife and Rs.1,000/- each to the minor children. He

further submits that both the children are residing with the mother, i.e., opposite party No.2. Learned counsel for the revisionist further submits that the revisionist-husband is 12th class passed and doing labour work as well as agriculture work, therefore, the source of income of the husband is not commensurate with the amount of maintenance granted to the wife and children.

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.4000/- to O.P. No.2 (wife) and Rs. 1000/ each to the children as maintenance for their sustenance. He further submits that the impugned order dated 25.05.2026 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. This Court has perused the entire record and finds that mere having the qualification of M.A. (Master of Arts) of the wife does not establish that she is able to maintain herself as well as the two minor children. This Court further finds that Rs.1,000/- to the minor children is not even sufficient for nurturing the children, i.e., education, health and other liabilities as well as fooding and lodging.

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 and children.

7. This revision is, accordingly, dismissed.

8. The concerned trial court shall direct the revisionist to transfer the amount of monthly maintenance as well as arrears in the verified bank account of opposite party No.2, wife.

9. In case of non-deposit of the amount by the revisionist as directed above, the concerned Family Court shall execute its maintenance order by issuing a recovery warrant. Thereafter, the property of the husband shall be attached and, upon auction thereof, the sale proceeds shall be paid to

the wife-opposite party No.2 towards the arrears of maintenance as well as regular monthly maintenance. In case the sale proceeds are found to be insufficient, the revisionist shall be sent to civil prison for a period of 30 days, in accordance with the existing provisions of law.

10. The Registrar (Compliance) is directed to communicate this order to the concerned Presiding Officer.

(Praveen Kumar Giri,J.)

August 19, 2026
K.Tiwari