



2026:AHC:61201

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1573 of 2026

Dr Mohd Naeem @ Mohammad Naeem

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Abu Bakht, Neeraj Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Abu Bakht, learned counsel for the revisionist, learned A.G.A for the State and perused the record.

2. Learned counsel for the revisionist submits that he has filed the instant criminal revision with the relief which has been mentioned in the prayer clause of the revision. The prayer clause is delineated below:-

"It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present revision and set aside the judgment and order dated 29.11.2025 passed by the learned Principal Judge, Family Court District-Amroha in Criminal Misc. Case No.336 of 2023 Smt (Mehak Rani & Another Versus Dr.Mohd. Naeem), relating to Police Station-Didauli, District-Amroha (J.P Nagar)."

3. Learned counsel for the revisionist submits that opposite party no. 2 residing with her parents in her parental house (*Maika*) on her sweet will and in her cross-examination she has given her consent that she is ready to live with her husband in a separate house and the expenses shall be borne by the husband-revisionist and she further deposed/stated in her cross-examination that she does not want to reside with her mother-in-law as well as father-in-law.

4. Learned counsel for the revisionist further submits that he does not want to press the impugned order dated 29.11.2025 in respect of maintenance granted in favour of the minor daughter (opposite party

no.3) and on the ground of desertion/residing separately on her sweet will, this impugned order is against Section 125 (4) Cr.P.C, therefore, the impugned order dated 29.11.2025 is liable to be set aside in respect of wife/opposite party no. 2.

5. This Court has perused the application filed by the wife-opposite party No.2 under Section 125 Cr.P.C. and finds the following facts from the averments made therein:

a) In paragraph No. 4 of the application, it has been mentioned that the husband of the applicant-wife is a doctor and is running his private clinic at Trilokpuri, Delhi and has sufficient income.

b) It is further mentioned in paragraph Nos. 5 to 7 of the application that from the wedlock one daughter was born which was not acceptable to the husband and he insisted for a male child. When the applicant became pregnant again, she was forcibly subjected to gender determination test and upon finding that the fetus was female, he gave her abortion medicine due to which the pregnancy of about 3.5 months was terminated.

c) It is also stated that when the condition of the applicant became serious she was taken to a hospital by her in-laws and a relative at Joya Nursing Home, Amroha for treatment where the husband-revisionist left her and ran away and the entire expenses were borne by the parents of the applicant. It is also stated that the husband also used to beat the minor daughter.

d) It is also mentioned that the applicant is a housewife and has no source of income and is not able to maintain herself and her minor daughter whereas the husband is financially sound, therefore, the present application has been filed for maintenance for wife and the minor daughter.

6. Learned counsel for the revisionist has also submitted that there is no allegation against the mother-in-law and father-in-law even then she does not want to reside with the mother-in-law and father-in-law and she wants to reside with the husband separately. On query, learned counsel for the revisionists further submits that there is an F.I.R lodged under Section 498-A I.P.C including others sections,

against the father-in-law and mother-in-law, husband and other family members and the grounds of cruelty has also been mentioned in the F.I.R, but the same has not been annexed with this revision.

7. This Court after perusal of the impugned order finds that the matter was also referred by the Family Court to the Medication & Conciliation Centre, but the mediation could not succeed. The Principle Judge, Family Court has also framed the issues and provided an opportunity of hearing to both the parties and thereafter passed an order dated 29.11.2025 directing to the husband/revisionist to pay a sum of Rs. 8,000/- to the wife and Rs.4,000/- to the minor daughter.

8. This Court has perused the record and found that a criminal case was also registered as Case Crime No. 271 of 2022 - (State Vs. Naeem & Ors), under Sections 313, 376-D, 323, 504, 506 I.P.C against Mohd. Naim, Sabina, Nazma, Smt. Ayesha, Smt. Sheeba, Iqbal (father-in-law), Mohd. Haroon and Mazid. Therefore, this Court finds that the allegations of sexual assault against more than one person has been levelled, therefore, the wife has stated before the trial court that she wants to reside with her husband in separate house without mother-in-law and father-in-law.

9. In view of the above, there is no illegality or perversity in the impugned order, therefore the criminal revision is liable to be dismissed.

10. Therefore, the criminal revision is **dismissed** at this stage.

March 23, 2026

Vinod.

(Praveen Kumar Giri, J.)