



2026:AHC:203780

[RESERVED]

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7741 of 2025

Smt. Kanchan

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Deepak Gaur

Counsel for Opposite Party(s): Avinash Mani Tripathi, G.A.,
Prashant Kumar Singh

Court No. - 85

HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Sri Deepak Gaur, learned counsel for the revisionist, Ms. Nistha, advocate holding brief of Shri Prashant Kumar Singh, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.

2. The present criminal revision under Section 397 read with Section 401 of the Code of Criminal Procedure (Cr.P.C.) has been filed challenging the impugned judgment and order dated 10.05.2024 passed by the Principal Judge, Family Court, Etawah in Criminal Case No.933 of 2022 (Smt. Kanchan vs. Aditya), under Section 125 Cr.P.C., P.S. Kotwali, District Etawah. By the said order, the application moved by the revisionist-wife under Section 125 Cr.P.C. claiming maintenance from Opposite Party No. 2 has been rejected.

3. Briefly stated, the facts are that the marriage between the revisionist and Opposite Party No. 2 was solemnized on 16-4-2022 according to Hindu rites and rituals. The revisionist filed an application under Section 125 Cr.P.C. alleging that she was subjected to cruelty for dowry and was forced to leave the matrimonial home, and that her husband, despite having sufficient means, has neglected and refused to maintain her.

4. Learned counsel for the revisionist submitted that revisionist is a legally wedded wife of opposite party no.2. It is further submitted that revisionist is an educated lady but she is unemployed whereas opposite party no.2 is software engineer earning about Rs.1,50,000/- per month. Learned counsel for the revisionist submits that the trial court has erred in law and on facts in rejecting the application. It is argued that the court below failed to appreciate the evidence on record which clearly demonstrated that the revisionist had valid reasons to live separately and that she is entirely dependent, whereas the husband has a handsome income.

5. Per contra, learned counsel for Opposite Party No. 2 and learned A.G.A. supported the impugned judgment, contending that the trial court has passed a well-reasoned order based on a proper appraisal of the evidence. O.P. No 2 is an unemployed person and he has no movable or immovable property in his own name and he is dependent upon his parents for livelihood.

6. Having heard the rival submissions and upon careful perusal of the impugned order, this Court finds that the Family Court rejected the maintenance application primarily on two distinct, well-corroborated grounds:-

6.1 The trial court categorically recorded a finding of fact based on the oral and documentary evidence that the revisionist is an educated lady and she has been living separately from her husband without any sufficient or reasonable cause. Section 125(4) of the Cr.P.C. expressly creates a statutory bar, stipulating that no wife shall be entitled to receive an allowance for maintenance from her husband if she refuses to live with him without sufficient reason. The evidence on record demonstrates that the husband made bona fide efforts to bring her back, which she refused. She went to her maternal home with her uncle on Raksha Bandhan of her own free will and since then she refused to come back again without any sufficient cause.

6.2 It has been established on record that the revisionist is a well educated lady and she is capable to maintain herself. The fundamental object of Section 125 Cr.P.C. is to prevent vagrancy and destitution. Since the revisionist is well-qualified, capable of earning,

she does not fall within the ambit of a person "unable to maintain herself" as required under the statute.

7. It is a well-settled principle of law that the scope of revisional jurisdiction under Section 397/401 Cr.P.C. is highly constrained. The High Court, while exercising its revisional powers, does not sit as an appellate court to re-appreciate or re-weigh the evidence. Interference is warranted only when the findings of the trial Court are found to be manifestly perverse, illegal, or suffering from a gross jurisdictional error.

8. In the present case, the findings recorded by the Principal Judge, Family Court, are pure findings of fact, rooted in the evidence adduced during the trial. The Family Court has correctly applied the provisions of Section 125(4) Cr.P.C. to the facts of the instant case. There is no illegality, irregularity, or perversity in the impugned judgment that would require the interference of this Court.

9. The revision lacks merit and the impugned order dated 28.02.2023 is hereby affirmed.

10. Accordingly, the present criminal revision is dismissed.

11. Let a copy of this order be sent to the trial court for information and necessary compliance.

September 29, 2026
Priyanka

(Jai Krishna Upadhyay,J.)