



2026:AHC:26060

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1637 of 2025

Ravinder Singh Bisht

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Nitin Sharma, Parmeshwar Yadav
Counsel for Opposite Party(s) : Ravindra Kumar Mishra, G.A.

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Nitin Sharma, learned counsel for the revisionist, Sri Ravindra Kumar Mishra, learned counsel for opposite party no. 2, and the learned A.G.A. for the State, and perused the record.

2. The present criminal revision has been filed by the revisionist seeking to set aside the order dated 04-01-2025 passed by the learned Additional Principal Judge, Family Court No. 1, Ghaziabad in Maintenance Case No. 736 of 2019 (*Smt. Prabhjot Kaur v. Ravinder Singh Bisht*), under Section 125 Cr.P.C., whereby the learned trial court directed the revisionist to pay a sum of Rs.15,000/- per month to opposite party no. 2 as maintenance from the date of the application.

3. Learned counsel for the revisionist contended that the impugned order is unjustified on the ground that opposite party no. 2 is an educated and working woman, financially independent, and therefore not entitled to maintenance. In support of the said submission, reliance has been placed upon Income Tax Return/Form-16 dated 30-05-2018, according to which the annual credited salary of opposite party no. 2 is stated to be Rs.11,28,780/-. It was further urged that the wife had voluntarily left the matrimonial home, was unwilling to discharge her matrimonial obligations, and refused to reside with the aged parents of the revisionist. It was also submitted that the revisionist was compelled to leave his employment to take care of his ailing parents and is burdened with financial liabilities, thereby lacking sufficient means to pay the maintenance awarded.

4. Per contra, learned counsel for opposite party no. 2 supported the impugned order and submitted that the revisionist has not disclosed his true income and standard of living before the Court. In support of the said contention, reliance was placed upon the statement of Ravinder Singh Bisht recorded before the trial court, wherein it was admitted that from April 2018 to April 2020, the revisionist was employed with J.P. Morgan and was drawing an annual package of approximately Rs. 40 lakhs per annum. It was further contended that mere employment of the wife cannot be a ground to deny maintenance, particularly when there exists a glaring disparity in the

income and status of the parties.

5. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, and the record of the case, including the impugned order, it is an admitted position that opposite party no. 2 is the legally wedded wife of the revisionist.

6. This Court has given thoughtful consideration to the rival submissions. The principal contention of the revisionist is that opposite party no. 2 is educated and earning and, therefore, not entitled to maintenance. In this regard, reliance has been placed upon the Form-16/Income Tax document dated 30-05-2018 showing certain income of opposite party no. 2. At the same time, it has come on record, through the statement relied upon by opposite party no. 2 before the trial court, that the revisionist was employed with J.P. Morgan during the period from April 2018 to April 2020 and was drawing a substantially high annual remuneration. The revisionist has not been able to satisfactorily explain the said material or place any cogent evidence on record to demonstrate a commensurate reduction in his earning capacity.

7. Even assuming that opposite party no. 2 has some source of income, the material available on record clearly reflects a substantial disparity in the earning capacity and financial status of the parties. The income attributed to the wife, as reflected from the documents relied upon by the revisionist, cannot be said to be sufficient to enable her to maintain the same standard of living to which she was accustomed during her matrimonial life.

8. The contention of the revisionist regarding his alleged financial constraints and liabilities has remained a bald assertion. No convincing or reliable material has been placed on record to establish that the revisionist lacks sufficient means so as to relieve him of his statutory obligation to maintain his wife.

9. The Court is unable to accept the submission that mere employment or earning of the wife is, by itself, a ground to deny maintenance. The object of Section 125 Cr.P.C. is not merely to prevent destitution, but to ensure that the wife is able to live with dignity, consistent with the status of the husband.

10. The legal position stands settled by the Hon'ble Supreme Court in *Shailja v. Khobbanna*, (2018) 12 SCC 199, wherein it has been held that mere earning of the wife does not disentitle her from maintenance; the decisive test is whether such income is sufficient to enable her to maintain the same standard of living as enjoyed in the matrimonial home. The said principle has also been reiterated in *Rajnish v. Neha*, (2021) 2 SCC 324.

11. Tested on the aforesaid legal principles and the material available on record, the maintenance awarded by the learned court below appears to be just, reasonable, and commensurate with the status and earning capacity of the revisionist. The impugned order does not suffer from any perversity,

illegality, or material irregularity warranting interference in the exercise of revisional jurisdiction.

12. Accordingly, the criminal revision, is **dismissed**.

February 5, 2026

pks

(Madan Pal Singh,J.)

Shoneek Kapoor.com