



2026:AHC:198622

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 542 of 2025

Ankit Singh

.....Revisionist(s)

Versus

State of U.P. and another

.....Opposite

Party(s)

Along with :

1. Criminal Revision No. 6290 of 2024:

Niharika Singh

Versus

State of U.P. and another

Counsel for Revisionist(s) : Anurag Shrivastava, Rajesh Kumar Singh

Counsel for Opposite Party(s) : Anurag Shrivastava, G.A., Rajesh Kumar Singh

Court No. - 87

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Anurag Shrivastava, learned counsel for the revisionist in Criminal Revision No. 542 of 2025 and learned counsel for opposite party no. 2 in connected criminal revision, Mr. Rajesh Kumar Singh, learned counsel for O.P. No. 2 in Criminal Revision No. 542 of 2025 and learned counsel for the revisionist in the connected Criminal Revision No. 6290 of 2024, learned A.G.A. appearing on behalf of the State and perused the material available on record.

2. Both these Criminal Revisions have been filed against the same impugned judgment and order dated 04.11.2024 passed by the Principal Judge, Family Court, Jaunpur (hereinafter referred to as "the Trial Court") in Case No. 162 of 2022, Niharika Singh v. Ankit Singh, whereby the Trial Court allowed the application under Section 125 Cr.P.C. of the opposite party no. 2 (wife) and directed the revisionist (husband) to pay Rs. 15000/- per month to

the opposite party no. 2 (wife) as maintenance from the date of institution of application under Section 125 Cr.P.C.

3. Criminal Revision No. 542 of 2025 has been preferred by the husband seeking to set aside the impugned judgment and order whereas connected Criminal Revision No. 6290 of 2024 has been filed seeking to modify the impugned order by enhancing the amount of maintenance granted by the Trial Court.

4. Since both these Criminal Revisions arise from the same impugned judgment and order, these are being decided together by a common judgement, being Criminal Revision No. 542 of 2025 as the leading case.

5. Feeling aggrieved from the impugned order, the husband-revisionist filed the revision on the ground that the revisionist wife is living separately from her husband (revisionist) without any sufficient reason. The revisionist-husband has filed revision without taking any legal ground for filing the present revision and only factual assertion has been made in the head of ground. Though no legal ground has been raised by the revisionist in the revision petition, the revision filed by revisionist-husband is liable to be dismissed in aforesaid premise.

6. On the other hand the revisionist-wife has filed revision on the ground that the impugned order is unfair in the eyes of law. The impugned order suffers from material illegality and it has been passed without considering the material evidence available on record. Accordingly, a prayer for modifying the impugned judgment and order, by enhancing the amount of maintenance, has been made.

7. Learned counsel for the wife-revisionist submits that the Trial Court, in paragraphs 34, 35 and 36 of the impugned judgment, has recorded a finding that the revisionist-husband has neglected to maintain opposite party no. 2, his wife, who is unable to maintain herself, whereas the revisionist-husband is capable of maintaining her. It is further submitted that the Trial Court has

itself noticed that the husband-revisionist runs a company in the name of InnoApps Technologies Private Limited and is a B.Tech. degree-holder as well as the Chief Executive Officer (CEO) of the said company. According to the wife-revisionist, the husband earns approximately Rs. 4,00,000/- per month from the said company. However, the Trial Court accepted the version of the husband-revisionist that he receives a monthly salary of only Rs. 50,000/- in his capacity as Global Head in the said company.

8. Learned counsel for wife-revisionist further submits that the documents placed on record by the wife-revisionist clearly indicate that InnoApps Technologies Private Limited is a private company, in which Ankit Kumar Singh, the husband-revisionist, and Sachin Kumar have been its directors since 14.07.2016. The said documents further disclose that the husband-revisionist, along with Sachin Kumar, has been shown as the co-founder and CEO of the company. It is also submitted that the authorised share capital of the company is Rs. 50,00,000/-, whereas its paid-up share capital, as reflected in the balance sheet, is Rs. 20,00,000/-. Despite the aforesaid material on record, the Trial Court discarded the assertion of the wife-revisionist that the husband-revisionist was drawing a monthly salary of Rs. 4,00,000/- from the company.

9. It is, thus, contended that the Trial Court has failed to properly appreciate the material available on record with regard to the income and financial capacity of the husband-revisionist and has, therefore, determined the maintenance payable to the wife on an erroneous assessment of his means. In view of the aforesaid conspectus, it is submitted that the impugned judgment and order is liable to be set aside and the criminal revision preferred by the wife-revisionist deserves to be allowed.

10. *Per contra*, learned counsel for husband-revisionist submitted that the wife-revisionist is able to maintain herself. According to evidence available on record, the revisionist-wife was employed as a Teacher at the Mount Litera Zee School, Ghaziabad. She has degree of B.Ed. A copy of the list of employees, issued by the Mount Litera Zee School Ghaziabad is annexed as Annexure 2 of

the counter affidavit filed by the opposite party no. 2 (husband) in Criminal Revision No. 6290 of 2024. A perusal of the said document reveals that the revisionist-wife is placed at serial no. 26 of the list of employees, where her qualification has been shown as B.Ed. Copies of the salary slips of the revisionist-wife has also been annexed for the months August-2021, September-2021 and October-2021 where her monthly income has been shown as Rs. 45000/-. It is thus contended that since the revisionist-wife is able to maintain herself and is well educated woman, therefore, she is not entitled for maintenance from her husband-revisionist.

11. When confronted with the aforesaid submissions, learned counsel for the wife-revisionist submitted that the documents relied upon by the husband-revisionist merely disclose the income of the wife-revisionist for the months of August, September and October, 2021, and no material has been brought on record to establish that she continued to earn a similar income during the subsequent months or years. It is further submitted that the maintenance petition was instituted in the year 2022 and, at the relevant time, the wife-revisionist was no longer serving as a teacher in the aforesaid school.

12. Learned counsel further submits that it is evident from the record of the husband-revisionist himself that the wife-revisionist does not reside at Ghaziabad but is residing at her parental home in District Jaunpur. Thus, the salary slips pertaining to a limited period in the year 2021 cannot be treated as proof of her continuing or regular monthly income, particularly when there is no evidence to establish her employment or income at the time of filing of the maintenance petition.

13. It is, therefore, contended that in view of the aforesaid circumstances, the impugned judgment and order is liable to be set aside and the present criminal revision preferred by the wife-revisionist deserves to be allowed.

14. Having heard the rival submissions advanced by learned counsel for the parties and upon perusal of the record, we find

that there is no dispute that the wife-revisionist has failed to establish that the husband-revisionist earns Rs. 4,00,000/- per month. It is true that the wife-revisionist has successfully established that the husband-revisionist is a co-founder of the aforesaid company, i.e., InnoApps Technologies Private Limited. However, according to the salary slip brought on record, the monthly salary of the husband-revisionist is Rs. 50,000/-.

15. Merely because the authorised share capital of the aforesaid company is shown to be Rs. 50,00,000/- and its paid-up share capital, as reflected in the balance sheet, is Rs. 20,00,000/-, no presumption can be drawn that the company is generating such substantial income as would enable it to pay a monthly salary of Rs. 4,00,000/- to one of its employees. In the absence of any cogent and reliable material establishing such income, the assertion of the wife-revisionist that the husband-revisionist earns Rs. 4,00,000/- per month cannot be accepted merely on the basis of the authorised or paid-up share capital of the company.

16. In view of the aforesaid discussion, we do not find any good ground to interfere with the findings recorded by the Trial Court regarding the monthly income of the husband-revisionist being Rs. 50,000/-. It is pertinent to note that, as observed by the Apex Court in **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200**, ordinarily, an amount equivalent to 25% of the husband's net income may be considered a reasonable benchmark for determining maintenance payable to the wife. However, the said percentage is only a guiding factor and not an inflexible rule.

17. In the present case, even on the basis of the monthly income of Rs. 50,000/- assessed by the Trial Court, the maintenance amount of Rs. 15,000/- per month awarded to the wife-revisionist is already substantially higher than 25% of the said income. Therefore, considering the facts and circumstances of the case and the material available on record, we find no justification to further enhance the amount of maintenance awarded by the Trial Court.

18. The object of Section 125 Cr.P.C. is to prevent destitution and vagrancy and to ensure that a wife, child or parent who is unable to maintain himself or herself is not left without the basic means of subsistence. The provision is essentially a measure of social justice intended to provide a reasonable and dignified means of support to the person entitled to maintenance. At the same time, the provision is not intended to confer an unmerited financial advantage or to serve as a source of enrichment for the person claiming maintenance. The amount of maintenance must, therefore, be determined having regard to the needs of the claimant, the income and financial capacity of the person liable to pay, the standard of living of the parties and the other relevant circumstances of the case, so as to strike a fair balance between the legitimate needs of the claimant and the corresponding financial capacity of the person liable to maintain. Section 125 Cr.P.C. is a measure for securing sustenance and dignity and not a means of creating a bonanza or windfall in favour of the claimant.

19. In view of the aforesaid discussions, we do not find any good ground to interfere with the impugned judgement and order dated 04.11.2024 passed by the Trial Court in Case No. 162 of 2022, Niharika Singh v. Ankit Singh, under Section 125 Cr.P.C. Therefore, both the criminal revisions preferred by the wife-revisionist and husband-revisionist are liable to be dismissed.

20. Accordingly, the instant Criminal Revision No. 542 of 2025 and the connected Criminal Revision No. 6290 of 2024 are hereby **dismissed**.

September 22, 2026
RPD

(Lakshmi Kant Shukla,J.)