



2026:AHC:209279

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5654 of 2024

Manoj Kumar Rana

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Shivam Tiwari
Counsel for Opposite Party(s)	:	G.A., Shams Uz Zaman

Judgment reserved on 14.9.2026.
Judgment delivered on 7.10.2026.

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist, learned counsel for opposite party no.2 and the learned AGA for the State-respondent.
2. The present criminal revision has been preferred against the impugned judgment and order 6.9.2024, passed by the learned Principal Judge, Family Court, Baghpat in Case No. 36 of 2022 (Smt. Priti Vs. Manoj Kumar Rana), under Section 125 Cr.P.C, Police Station Singhawali Aheer, District Baghpat, whereby the maintenance under Section 125 Cr.P.C has been awarded to the tune of Rs. 5000/ per month in favour of opposite party no.2.
3. The basic facts of the case is that the marriage of the revisionist was performed on 15.3.2021 with the opposite party no.2 according to Hindu customs and rites in very simple manner and without any dowry. In the said marriage, several golden and silver articles were gifted to the opposite party no.2 by the parents of the revisionist. Prior to the marriage, the revisionist was in a private job in Saharanpur, but due to sudden lockdown of Covid-19, the job of the revisionist was left and since then he is residing at his house and thereafter due to mental torture of the revisionist made by the opposite party no.2, he is not in position to work to get his employment.
4. Learned counsel for the revisionist has submitted that the opposite

party no. 2 is working on the post of Sales Manager in NIMBUS ADCOM Pvt. Ltd. and receives Rs. 40,000/-p.m. and under the changed circumstances, the opposite party no.2 asked the revisionist to live in Noida and she will try to get him job and under her statement, the revisionist started to live in Noida, but neither the opposite party no.2 could be able to give job to the revisionist and the revisionist was not in position to get a job, due to which the revisionist came to his house, but the opposite party no.2 did not come to her matrimonial house and started cruelty with the revisionist. He has further submitted that from 28.6.2021, there are not any physical relation between the revisionist and opposite party no.2. It is further submitted by the learned counsel for the revisionist that the opposite party no.2 has lodged frivolous F.I.R. against the revisionist and his brother in Case Crime No.260 of 2023, U/S 294, 504, 506, 499, 120B I.P.C. and 67 I.T. Act, P.S. Noida Sector 49, District Gautam Budh Nagar.

5. He has further submitted that thereafter, the opposite party no.2 filed a Case under Section 125 Cr.P.C. seeking maintenance being Case No. 36 of 2022, (Smt. Priti Vs. Manoj Kumar Rana) seeking maintenance @ 20,000/-per month. He has further submitted that the true facts is that the opposite party no.2 is an advanced educated woman and she was not willing to cooperate in the family and likes to live independently as she has employment with NIMBUS ADCOM Pvt. Ltd., Noida and earns Rs. 40,000/-p.m. After receiving the notice, the revisionist appeared in the said case and filed his objection stating all the true and correct facts. The revisionist categorically has denied wrong averments made by the opposite party no.2 in her case and has stated true and correct facts. He has further submitted that the revisionist has filed an affidavit dated 26.8.2022 attaching the documentary evidences, showing the employment and earning of the opposite party no.2. The proforma affidavit was filed by the opposite party no.2, in which also, she has averted wrong, incorrect and misleading facts without any evidences.

6. Learned counsel for the revisionist has further submitted that the evidences were filed by the either parties. The opposite party no.2 had filed her affidavit as examination in chief as P.W.1 and was cross

examined and in her cross-examination, she has admitted her employment with the said company, but has stated that she has left the job, but could not state about the date, when she has left the job. Learned counsel for the revisionist has submitted that learned trial court has allowed the maintenance application of the opposite party no.2 and has awarded Rs. 5000/- per month, which is liable to be set aside.

7. Learned trial court has considered the pleadings and evidences filed by both the parties and has held that the marriage was solemnized between the parties on 15.3.2021 and there is no doubt about it. Learned trial court has held that the opposite party no.2 is residing separately since 28.7.2021, where she has mal-treated by the revisionist and she has further stated that an amount of Rs. 10 lacs has been spent in her marriage. The house utensil and so many other materials were also provided by the family members of the opposite party no.2 to the revisionist. There has been allegation and litigation between the parties and there are allegation raised by the revisionist that the opposite party no.2 is leading adulterous life, but he has failed to prove said allegation. The revisionist has admitted that during pendency of the case, he has not provided maintenance to the opposite party no.2 as he is not in any job and no regular earning. She is residing separately. She is doing her job and she is enough competent to maintain herself.

8. Learned counsel for the opposite party no.2 has filed counter affidavit and she has stated in her additional reply that her marriage was solemnized on 15.3.2021 with the revisionist according to Hindu customs. The father of the opposite party no.2 had spent more than his means in the marriage, about 10 lakh rupees. After the marriage, the in-laws of the opposite party no.2, husband, and his family members, mother-in-law, father-in-law, brother-in-law were not happy with the dowry taken by the revisionist and everyday they started taunting the opposite party no.2 for bringing less dowry.

9. Learned counsel for the opposite party no.2 has further submitted that revisionist told that he is working in a good company after completing B. Pharma, he should have got at least Rs. 10 lakh cash and an Eco-sport car in the marriage. On this issue, the revisionist and his family members

started abusing and beating the opposite party no.2, but she has been tolerated everything silently to save her married life. She has further submitted in the counter affidavit that the revisionist to get the license of his medical store made and deposited Rs. 1,50,000/ in the account of opposite party no.2, but even then there was no change in the behaviour of the revisionist and his family members and these people kept on harassing her with their demand. The opposite party no.2 has stated in paragraph no. 51 of the counter affidavit that the opposite party no.2 was working in a company in the year of 2017 to 2022, but the situation of her family was bad and the dispute arose of the money and the revisionist has always demanded the money. Then she resigns her job on 30.06.2022. She has filed resignation letter dated 1.7.2022 as Annexure No.1 to the said counter affidavit and which has been mentioned and addressed to opposite party no.2 as Ms. Prity Pundir that this refers to your resignation, we have accepted the same and have relieved you from the services of our organization from the closing hours of 30th June 2022. It is also mentioned in the said letter that "we certify that you have been working with us from 16th August 2017 till 30th June 2022 and your designation at the time of leaving was Sales Manager.

10. Learned trial court had recorded finding in paragraph no. 25 of the judgment that so far as concerned of income of the complainant/opposite party no.2 that she is educated lady, she has been working with NIMBUS ADCOM Pvt. Ltd. E-89 Sector 63, Noida-201301 on the designation of Sales Manager and her employee code is NAPL 0080 and she is earning Rs. 27,600/ per month. When the said letter, paper No. 12-Ba has been shown to the witness, she has stated that this is Identity Card of NIMBUS ADCOM Pvt. Ltd. She was working in the said company on the post of Sales Manager. Paper No. 12-Ba/2 has been shown to the complainant/witness, she has stated that it is salary slip of her company and she got the salary of Rs. 27,600/ per month from the said company. Paper No. 12-Ba/4 and 12-Ba/5 were shown to her, she supported said salary slip and stated that she is 12th pass. She was doing the job in the said company in 2017. She has left the said job after 5-6 months after her marriage. Paper No. 12-Ba/10 has been shown to the complainant/witness, she has stated that I had left the job, but I had not

resign from the company. Then paper no. 12-Ba/7 has been shown to her, then she has stated that signature on said paper is not of her. Whatever is written in that letter, it is also not written by her. Hence, before the learned trial court, she has stated that she was doing the job in NIMBUS ADCOM Pvt. Ltd in the year 2017 and she left the job after 5-6 month of her marriage, i.e. 15.3.2021. Whereas, as per her own Annexure-1 to the counter affidavit, she has filed certificate that she had been working with the said company since 16.8.2017 to 30.6.2022, hence, there is contradiction in the statement recorded by her to the learned trial court and her Annexure-1 to the counter affidavit. The date 16.8.2017 when she has started her job in the said company is significance. She has filed various clips of Whatsapp and alleges that the revisionist has made several allegations against her and her family. She has filed copy of the FIR No. 260 of 2023 dated 1.7.2023, under Sections 294, 504, 506, 499, 120B IPC and 67 of I.T. Act, 2008 and she filed the statement of account of her Bank Account that she has transferred an amount of Rs. 60,000/ on 3.11.2021 in favour of the revisionist.

11. The revisionist has filed rejoinder affidavit and contradicted the statement and evidences given by the opposite party no.2/complainant in her counter affidavit. He has stated in paragraph no. 14 of his rejoinder affidavit that the true fact of the case is that the opposite party no.2 herself has deserted and left the assembly of the revisionist and while going to her parents, she has taken away all the ornaments and articles including the 'Stridhan' as well as other ornaments/articles of other family members. In paragraph no. 15 of the rejoinder affidavit, he has stated that the resignation letter dated 30.6.2022 as attached with paragraph under reply are procured document and has been procured with malafide intention as well as cheat the Court. The true fact of the case is that the opposite party no.2 is still under job with the said company i.e. Nimbus Adcom Pvt. Ltd. and is posted on the post of Sales Manager. The birthday greetings of the said company in favour of opposite party no.2 are clearly proving that the opposite party no.2 is still working in the said company. Annexure No. 1 to the rejoinder affidavit is birthday greetings sent to Preeti Pundir on behalf of Nimbus Adcom Private Limited dated 20.11.2022 mentioning that on behalf of the entire Nimbus Adcom family, we wish you a very

happy birthday and send you our best wishes for much happiness in your life. This is dated 20.11.2022, whereas she has stated that she has left said company on 30.6.2022. There is another birthday greeting attached with Annexure-1 to the rejoinder affidavit which is of 16 August, wherein it has been congratulated that we congratulates you to complete 06 years at Nimbus Adcom Pvt. Ltd. Thank you for being an essential part of Nimbus's success. A letter dated 16 August 2025 is also annexed with the rejoinder affidavit as Annexure-1. This letter is sent to opposite party no.2 mentioning " a big congratulations to Prity Pundir, Sales Manager, for completing 8 amazing years at Nimbus Adcom. Your dedication, determination, and results-driven approach inspire us all. Here's to continued success.

12. It is contradictory to Annexure-1 filed by the opposite party no.2/Ms. Priti Pundir with her counter affidavit, where she has started her service on 16.8.2017 and she stated that she completed on 30.6.2022. Hence she has done the job about five years, whereas, the Company has congratulated her on completion of six years and eight years respectively on the same day of 16th August till 2025. It reflects that the opposite party no.2 is still doing the service as Sales Manager in the said Company and drawing salary that has been proved that she had been congratulated by the said company on completion of six years as well as 8 years respectively of her remarkable service, which corroborate with the date of opposite party no.2 showing in her letter, which is filed by her as CA-1 to the counter affidavit.

13. In the rejoinder affidavit, the revisionist has further filed a letter written by opposite party no.2 dated 13.11.2021. This appeared to be addressed to the learned Judge that after consultation, I Priti Pundir reached to this conclusion that I need divorce with Manoj Rana son of Bharat Singh. I do not want to live with him. This decision is of both of us. We are not happy. We both are disturbed, hence I had taken decision that we should take divorce. It also reflects that both the parties are not happy with each other. She is residing separately and she wants divorce from the revisionist.

14. So far as concerned about earning and education of opposite party

no.2, she has been found working as per rejoinder affidavit and the enclosure filed by the revisionist to the rejoinder affidavit, which reflect that on 16.8.2025, the opposite party no.2 has completed eight years of service in said Nimbus Company, whereas before the trial court, she has stated that she left the job after 5-6 months of her marriage. She further filed annexure-CA-1 to the counter affidavit which is relieving letter dated 1.7.2022 that she has left the job from Nimbus Adcom Private Limited with effect from 16.8.2017 to 30.6.2022, whereas several congratulation letters have been issued in her favour by the said company that she has completed eight years of service as Sales Manager at Nimbus Adcom Pvt. Ltd. The date 16th August is corroborated with her alleged letter of resignation as well as facilitation by the said company.

15. It is settled law that when a person approaches a Court, he should approach the Court not only with clean hands, but also with clean mind, clean heart and clean objective. The judicial process should never become an instrument of appreciation or abuse or a means in the process of the Court to subvert justice. If a petitioner is guilty of suppression of very important fact, his case cannot be considered on merits. Thus, a litigant is bound to make "full and true disclosure of facts". It is settled law that burden of proof is always lies on the claimant himself.

16. The Hon'ble Supreme Court in **Rekha Sharad Ushir Vs. Saptashrunji Mahila Nagari Sahkari Patsansta Ltd. reported in 2025 SCC OnLine SC 641**, held as under:

"11. It is settled law that a litigant who, while filing proceedings in the court, suppresses material facts or makes a false statement, cannot seek justice from the court. The facts suppressed must be material and relevant to the controversy, which may have a bearing on the decision making. Cases of those litigants, who have no regard for the truth and those, who indulge in suppressing material facts need to be thrown out of the court."

17. In view of all material facts brought before this Court on record as well as appreciation of fact provided before the learned trial court, the facts and circumstances reflected that the complainant/opposite party no.2 does not want to reside with the revisionist and she wants to take divorce.

She has concealed very material fact that she is earning lady and she has constantly doing her job, which has been concealed by her before the trial as well as to this Court. She has submitted incorrect facts and evidences before the learned trial court and before this Court. The approach of opposite party no.2 is not with clean hand and pure intention to initiate judicial process with honest mind and intention.

18. In view thereof, the opposite party no.2/complainant and is not entitled for any maintenance from the revisionist. Accordingly, the judgment and order dated 6.9.2024, passed by the Principal Judge, Family Court, Baghpat in Case No. 36 of 2022 (Smt. Priti Vs. Manoj Kumar Rana), under Section 125 Cr.P.C, Police Station Singhawali Aheer, District Baghpat, is hereby **set aside**.

19. The revision is **allowed**, accordingly.

(Abdul Shahid,J.)

October 7, 2026

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