IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 12th OF OCTOBER, 2026

CRIMINAL REVISION No. 135 of 2026

CNR No.: MPHC020014992026

Versus

Appearance:

Shri Arpit Singh, Advocate for the petitioners.

Shri Sudhanshu Vyas, Advocate for the respondent.

ORDER

Heard on the question of admission.

The present criminal revision under Section 19(4) of the Family Courts Act, 1984 has been preferred by the petitioners (wife and minor son) challenging the order dated 27.09.2025 passed by the First Additional Principal Judge, Family Court, Indore in MJC (Cri) No.969/2024. By the said order, the Family Court partly allowed the application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 125 of Cr.P.C.) and directed the respondent/husband to pay maintenance of Rs.30,000/- per month to the petitioner No.2/minor son from the date of the application i.e. 04.07.2024. No maintenance was awarded to the petitioner No.1/wife.

2. The brief facts are that the marriage between petitioner No.1 and

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the respondent was solemnized on 19.11.2019 as per Hindu customs. Petitioner No.2 was born out of the said wedlock on 18.07.2022 and is presently residing with the mother. The petitioners filed an application under Section 144 of BNSS claiming maintenance of Rs.2,00,000/- per month, alleging cruelty, dowry demands, physical and mental harassment, forced ouster from the matrimonial home, and neglect by the respondent despite his sufficient means. The respondent contested the claim, denying the allegations of cruelty and asserting that the wife is a qualified dentist capable of earning and maintaining herself, while he himself is a postgraduate student with limited independent income.

3. After recording evidence of both the parties, the Family Court recorded the following material findings:-

(i) The relationship of husband and wife and the paternity of the minor son are undisputed.

(ii) The minor son is unable to maintain himself and the respondent, being the father, is under a statutory obligation to maintain him.

(iii) The respondent is a qualified dental surgeon running his own clinic, has completed post-graduation, maintains a PPF account with substantial deposits, has received insurance proceeds, invests in mutual funds, and was found to have a monthly income of atleast Rs.1,50,000/-. He was held to be a person of sufficient means who had neglected to maintain the wife and the minor son after separation.

(iv) The wife has sufficient cause to live separately, particularly in view of the registration of FIR No.155/2024 for offences relating to dowry

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harassment.

(v) The wife is herself a qualified BDS dentist. Her plea that she is unable to work solely because the child is young was not accepted. The Court held that mere possession of professional qualification as a dentist renders her capable of maintaining herself; capability to earn and actual earnings are distinct, but on the facts the claim of the wife for maintenance was rejected.

4. The revision is confined essentially to two grievances:- (a) denial of maintenance to the wife, and (b) inadequacy of the quantum of Rs.30,000/- per month awarded to the minor son.

5. The scope of revisional jurisdiction under Section 19(4) of the Family Courts Act is limited. This Court does not re-appreciate evidence or substitute its own view on pure questions of fact unless the findings of the Family Court are shown to be perverse, based on no evidence, or suffer from patent illegality resulting in miscarriage of justice.

6. On the question of maintenance to the wife, the Family Court has proceeded on the settled distinction between capacity to earn and actual earnings, as explained by the Apex Court in **Shailja & Anr. Vs. Khobbanna, (2018) 12 SCC 199.** The wife is a professionally qualified dentist. The Family Court recorded that she herself admitted the qualification and that the only reason advanced for not earning was the young age of the child. That reason was found unconvincing in the facts of the case. No perversity is demonstrated in the conclusion that the wife is not “unable to maintain herself” within the meaning of Section 125 of Cr.P.C./Section 144 of BNSS.

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The concurrent finding that she has sufficient cause to live separately does not, by itself, entitle her to maintenance when she is found capable of maintaining herself. The challenge on this score, therefore, fails.

7. On the quantum awarded to the minor son, the Family Court has assessed the respondent's income at a minimum of Rs.1,50,000/- per month on the basis of his own admissions in cross-examination, the existence and operation of the dental clinic, PPF deposits, insurance proceeds, mutual-fund investments and other material. The amount of Rs.30,000/- per month for a minor child of about three years, residing in Indore, is neither inadequate nor excessive when tested against the status of the parties, the child's right to be maintained at a standard reasonably consistent with that of the father, and the overall means of the respondent. The Family Court has already taken into account the welfare of the child and the obligation of the father. No material has been placed before this Court to demonstrate that the quantum is so low as to warrant interference in revision.

8. The judgements relied upon by the petitioners **(Chaturbhuj Vs. Sita Bai, (2008) 2 SCC 316; Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200; Bhuwan Mohan Singh Vs. Meena, (2015) 6 SCC 353, etc.)** lay down salutary principles regarding the object of Section 125 of Cr.P.C. and the obligation of a husband of means. Those principles have been kept in view by the Family Court while granting maintenance to the minor son and while assessing the husband's means. They do not compel a different conclusion on the specific findings recorded against the wife's claim.

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9. In view of the above discussion, this Court finds no perversity, illegality or material irregularity in the impugned order dated 27.09.2025. The quantum of Rs.30,000/- per month awarded to the minor son is adequate and reasonable. The revision petition is devoid of merit. Accordingly, the criminal revision is **dismissed.** The order dated 27.09.2025 passed by the First Additional Principal Judge, Family Court, Indore in MJC (Cri) No.969/2024 is **affirmed.**

10. Let a copy of this order be transmitted to the Family Court, Indore, for information and necessary compliance.

11. Pending interlocutory application(s), if any, also stand(s)s disposed of.

Certified copy, as per Rules.

(ALOK AWASTHI)
JUDGE

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