

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 486 of 2024

Riyazuddin Ansari, aged about 26 years, son of Jiyaaur Rahman, resident of village -Tantipara, P.O. and P.S. Pakur, District-Pakur, Jharkhand

..... ... Petitioner

Versus

Safika Parbeen, aged about 22 years, wife of Riyazuddin Ansari, resident of Tantipara (Harinadanga Bazar), P.O. and P.S. Pakur, District-Pakur, Jharkhand at present Namupara, Pakur (Town), P.O. and P.S. Pakur (town) District-Pakur, Jharkhand, India

..... ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Rohit Kumar Gupta, A.C. to Anuj Kumar Trivedi, Advocate
For the O.P. :

05/ 17.09.2025: Heard learned counsel for the petitioner.

2. This revision petition has been filed for setting aside order dated 16.02.2024, passed by the learned Principal Judge, Family Court, Pakur in Original Maintenance Case No. 268/2023 whereby the application filed under section 125 of Cr.P.C. by the opposite party, has been allowed and the petitioner was directed to pay maintenance amount of Rs. 10,000/- per month to the wife namely, Safika Parbeen who is sole opposite party herein. Further direction has been made to pay the maintenance amount regularly by the 7th day of every succeeding months according to English Calendar failing which the opposite party would be entitled to receive the same through the process of law and further direction is made to pay the maintenance amount directly in the bank account of his wife.

3. Learned counsel for the petitioner submits that 125 Cr.P.C petition has been filed saying that petitioner and opposite party were in relationship about 5-6 months ago and later on Nikah was solemnized with the petitioner with the petitioner in presence of witnesses as per Muslim Sariat Law on 27.09.2023 and Notary public drafted the marriage document as evidence. However the opposite party was not taken to the house of the

petitioner and he made promise to the O.P that after talking to his parents, he will take the O.P. to his house. The O.P stayed at her father's house and waited for her husband till 01.10.2023, but the Petitioner did not come to take her as promised stipulated date. When O.P talked over phone with the petitioner his father and uncle have demanded Rs. 5,00,000/-, one motorcycle and all the domestic articles and it has been stated when it shall be complied, then he will brought her to his house. Thereafter, the petitioner switch off his mobile. The O.P along with her parents went to the house of petitioner on 06.10.2023 wherein the father of petitioner not accepted the O.P unless their demand will not fulfill. Thereafter the O.P filed a complaint about the occurrence before Pakur (Mahila) P.S and it was registered as Pakur (Mahila) P.S. Case No. 19/2023. When the petitioner came to know about the lodging of FIR against him, he came to the father's house of O.P on 11.11.2023 and abused her and also slapped her. She was also threatened of the dire consequences. In this background, he submits that the said petition has been filed and the learned court allowed the said petition by impugned order dated 16.02.2024.

4. Learned counsel for the petitioner submits that marriage is not proved inspite of that the learned court has passed the said order in view of that the impugned order may kindly be set aside. He further submits that even the assets and liability have not been properly considered by the learned court. On these grounds, he submits that the impugned order may kindly be set side.

5. Learned Court has appreciated the documents and the oral evidence. The opposite party has adduced documentary evidence to prove her case. Exhibit-X was combined photograph of the petitioner and O.P. in

which both are sitting together. Exhibit X/1 are the What's App Chat in between the petitioner and O.P and from the Chats, it was found by the learned court that the word like wife, Jan etc. have been indicated and several chats have been made. Exhibit-X/2 are the call details and the learned court has found that for a long time several conversation has been made. Exhibit X/3 was marriage certificate issued on Non-judicial stamp of Rs. 20/- and in the said Notary the combined photograph of the petitioner and O.P. having pasted which was attested by the Notary Public and three witnesses put their signature. In the said marriage certificate Den Mehar of Rs. 51,000/- was fixed out of which Rs. 1,000/- was paid by the petitioner to the O.P. The petitioner has sworn before the Notary Public and filed an affidavit in which he put his signature before the Notary Public. The learned court has found that although the those documents have not been issued by the authorized persons or competent authority as per the Special Marriage Act, 1954 but those documents indicate that the O.P.-petitioner herein voluntarily performed his marriage with the O.P. and put his signature before the Notary Public on his affidavit and marriage certificate and the signature of the petitioner has not been denied by the petitioner.

6. The spirit of Section 125 Cr.P.C. has been further appreciated by the learned Court. The learned court has taken into consideration the judgment of the Hon'ble Supreme Court in the case of "***Chaturbhuji Vs. Sita Bai, reported in (2008) 2 SCC 317, "Ramesh Chander Kaushal Vs. Veena Kaushal"***". In this background the learned court has found that proof of marriage is there and in view of that the said order has been passed.

7. If such facts are there, the petitioner is required to take a final

decision on the marriage by way of filing appropriate petition before the competent court of civil jurisdiction. So far section 125 Cr.P.C. is concerned, if prima facie case is made out that is required to be allowed. The O.P. stated before the learned court that petitioner earns Rs. 2,000/- per day from his business and further petitioner has an agricultural land about 10 bighas at Mouza-Pakur and Piyadapur and he earns Rs. 1,00,000/- per year from the cultivation of land. She has also stated that the petitioner has also rented his three houses on rent to the tailor master and earns Rs, 9,000/- per month from rent and in this background, the O.P has claimed maintenance of Rs. 30,000/- per month for herself. Two of the P.Ws have stated that the petitioner is owner of a whole sale shop of toys at Tantipara, Pakur and earns Rs. 2,000/- per day from his business.

8. In this background the learned court has come to the finding that the petitioner is earning a sum of Rs. 40,000/- per month and directed the petitioner to pay a sum of Rs. 10,000/- to the opposite party as maintenance

9. In view of above discussions and the materials on record which has been taken into consideration by the learned court, the Court finds that there is no illegality in the impugned order. Accordingly, this petition is dismissed. Pending I.A. if any, stands dismissed.

Dt.17.09.2025

satyarthi-

(Sanjay Kumar Dwivedi, J.)