

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 769 of 2025

Saurabh Kapoor aged about 35 years, son of late Ravi Kapoor,
resident of B/24, G/1, Ram Prastha Colony, Chander Nagar, P.O. and
P.S. Ram Prastha, District Ghaziabad, Uttar Pradesh

... Petitioner

--Versus--

1. The State of Jharkhand
2. Prachi Kapoor, aged about 25 years, wife of Saurabh Kapoor, D/o Sri Prabuddha Bharti
3. Raavi Kapoor, aged about 3 years, D/o Saurabh Kapoor, represented by her Mother, i.e., O.P.No.2, Both resident of B/4A, Vaishnavi Apartment, Indrapuri Shibu Chowk Lane, PO and PS Sukhdeonagar, District Ranchi, Jharkhand

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Rishu Ranjan, Advocate
Mr. Chiranjeev Bhadoria, Advocate
For the State : Mr. Prabir Kumar Chatterjee, Spl.P.P.

03/16.09.2025 Heard Mr. Rishu Ranjan along with Mr. Chiranjeev Bhadoria, learned counsel for the petitioner and Mr. Prabir Kumar Chatterjee, learned counsel for the State.

2. This criminal revision petition has been preferred against the judgment dated 16.04.2025 passed by Additional Principal Judge, Family Court II, Ranchi in connection with Original Maintenance Case No.51 of 2023, whereby the petition filed under section 125 CrPC by the O.P.Nos.2 and 3 has been allowed and learned court has been pleased to direct to pay maintenance amount to the tune of Rs.20,000/- per month to the O.P.No.2 as well as Rs.10,000/- per month to the OP No.3 with further direction that the amount shall be paid from the date of application i.e. 08.02.2023 and to pay arrears within one year in six installments.

3. Learned counsel for the petitioner submits that the marriage between the petitioner and the OP No.2 was solemnized on 30.08.2021 as per Hindu

rites and rituals at Ghaziabad and after solemnizing marriage, OP No.2 has started to reside in her matrimonial home in Ghaziabad. He submits that in the petition the allegations are made that several articles have been gifted and even dowry has been paid to the petitioner and family members and after pregnancy, subsequently, the OP No.2 was being harassed by the petitioner and family members for bringing a sum of Rs.20 lacs from her father's house. He submits that the allegations are made of making assault on 22.12.2021 upon the OP No.2. In this background, he submits that the petition filed under section 125 Cr.PC has been allowed by the learned Court and amount is on the higher side. He submits that the petitioner is having no such income who is a practicing lawyer in the Hon'ble Supreme Court and without considering the ratio laid down by the Hon'ble Supreme Court in the case of ***Rajnesh v. Neha and Another***, reported in ***(2021) 2 SCC 324*** the said order has been passed. On these grounds, he submits that the impugned order may kindly be set-aside.

4. Learned counsel for the State opposed the prayer and submits that in cross-examination, the petitioner has admitted before the learned Court that he used to come to Ranchi for attending the case on each and every date by flight. He submits that admission is made in the cross-examination itself which is sufficient to suggest that the petitioner is having sufficient means to pay the said amount. In view of that, he submits that there is no illegality in the impugned order.

5. In view of above submission of the learned counsels appearing on behalf of the parties, the Court has gone through the impugned order and finds that the learned Court has threadbare discussed the materials on record

and has appreciated the evidences led by the parties. PW No.1 -Prachi Kapoor who is opposite party No.2/wife and PW 2 is her mother. The petitioner is the husband and opposite party No.2 is daughter-in-law and opposite party No.2 is the mother of the opposite party No.3. The evidence has been considered by the learned court. The opposite party No.2 has stated before the learned court that after marriage, she lived peaceful conjugal life and she had conceived and thereafter the petitioner and his mother has started demanding dowry and due to non-fulfillment of demand they committed physical and mental torture. She has further stated that on 19.05.2022 a baby child was born and after the born of the baby child, the mother of the petitioner has demanded Rs.25 lacs. She also deposed that on 16.07.2022 on request police protection was provided and she came to Ranchi and after one and a half month, the OP No.2 after assurance by the petitioner has again come to the matrimonial home with her daughter and after 4-5 days, the petitioner again started torturing and assaulting the OP No.2. She has stated that the petitioner herein used to take liquor every day and the petitioner used to beat the child and under the compelling situation, she has again returned to her parents' house on 28.10.2022 and thereafter she has filed the case being Sukhdeonagar PS Case No.207 of 2023 which has been marked as Exhibit-X. She has further stated that upon filing of that case, the petitioner herein has entered into settlement with the opposite party No.2 only to save the matrimonial life and after sometime, the petitioner has again started assaulting the opposite party No.2 and demanding dowry and under the compelling situation the opposite party No.2 has again returned to her parents' house on 28.12.2024. She has deposed that the petitioner is a

practicing lawyer and he earns Rs.5 lacs per month. She has also deposed that the petitioner is having factory in the industrial area in New Delhi and she has stated that the turnover of the same is stated to the tune of Rs. Two to Five crores. She has also handed over the documents from the Income tax and industrial turnover to the tune of Rupees Two to Five crores which is marked as Exhibit-X/1. She has also stated that her mother-in-law is also having multi-storied building and business and for that she has filed document marked as Exhibit-X/2 and Exhibit-X/4 and she has also identified the proof of practicing lawyer as marked Exhibit-8 to Exhibit-9. PW-2 has further stated in the same line. The petitioner herein was examined before the learned court as O.P.W.1 and in his cross examination in paragraph no.3, he has deposed that he is having Ph.D. in Criminal Law and in paragraph no.14, he further identified the document which also marked as Exhibit-X/8, as member of Hon'ble Supreme Court Bar Association and in paragraph no.15 he has deposed that in industrial area he has started business and now it is closed. In paragraph no.19, he has admitted that he has filed the Income Tax Return. In paragraph no.20 he has stated the he used to come to Ranchi by flight on each date fixed in the case from Ghaziabad. From his cross examination, it can sufficiently be inferred that the petitioner is having sufficient means to maintain the wife. In course of the argument, it has not been disclosed as to how the petitioner is not able to pay the amount as directed by the learned Family Court.

6. The learned Court after considering all these aspects have framed four issues to decide the case and while deciding the case and while deciding the income of the petitioner, the learned court has taken all these aspects into

consideration and found that the petitioner is having sufficient means to maintain the wife and the turnover of the factory was Rupees Two to Five crores and the petitioner being a practicing lawyer of Hon'ble Supreme Court earning Rs.5 lacs and in this background, the learned Court after considering several judgments of the Hon'ble Supreme Court, has come to the conclusion that the petitioner is bound to maintain the wife and the daughter and the petitioner is the husband and he has been directed to pay Rs.20,000/- per month to the wife/ OP No.2 and Rs.10,000/- to the daughter who is O.P.No.3 which comes to Rs.30,000/-.

7. In view of the above facts and looking into the income of the petitioner, the Court finds that the learned Court has rightly passed the said order. There is no illegality in the impugned order, and as such, this petition is dismissed.

8. Pending I.A., if any, also stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 16th September, 2025
Ajay/