

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 4094/2017

Mukhtyar Singh S/o Shri Nishan Singh, R/o Gram Bajhedi,
Multan Nagar, Diwakari, Tehsil and District Alwar, Police Station
M.I.A. Alwar (Rajasthan).

-----Petitioner

Versus

1. The State of Rajasthan Through Public Prosecutor.

-----Respondent

2. Smt. Manjeet Kaur D/o Late Shri Balwant Singh, W/o Shri
Mukhtyar Singh, R/o Gram Fahari, Police Station
Govindgarh, District Alwar (Rajasthan).

-----Complainant/Respondent

For Petitioner(s) : Mr. Chitransh Saxena, Adv. for
Mr. Kapil Gupta, Adv.

For Respondent(s) : Mr. Manvendra Singh Choudhary, PP

HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

27/02/2026

1. Instant present petition has been filed by the petitioner-husband aggrieved by the order dated 07.09.2016 passed by the learned Judicial Magistrate No. 2, Alwar and Revisional Court order dated 27.06.2017, by which the court below has awarded Rs.2000/- per month to respondent No. 2- wife under Section 125 Cr.P.C.

2. Learned counsel for the petitioner-husband submits that the learned Trial Court and Revisional Court awarded the maintenance in favour of respondent No. 2 without appreciating that the petitioner is a daily wages labourer and the wife is capable to maintain herself by doing tailoring work. Learned counsel for the

petitioner further submits that the maintenance as awarded by the learned Trial Court is on higher side. Therefore, the impugned order deserves to be set aside.

3. Learned Public Prosecutor submits that the learned Trial Court and the Revisional Court have rightly awarded maintenance in favour of the wife after taking into consideration the overall facts and circumstances of the case and the same does not warrant any interference from this court as the petitioner is doing welding work and earning sufficiently.

4. Heard the learned counsel for both the parties and have perused the impugned orders.

5. Admittedly, respondent No. 2 is a legally wedded wife of the petitioner and there is nothing on record to show that she has independent income to maintain herself. An able-bodied man cannot escape responsibility claiming unemployment. In this case, the petitioner is a skilled labourer doing welding work. The learned Court below after taking into consideration all the material available before them has rightly passed the impugned order.

6. The above view finds support from the landmark judgment of the Apex Court in the case of **Rajnesh v. Neha, (2021) 2 SCC 324**, as laid down therein:-

"38. Proceedings under Section 125 Cr.P.C. are summary in nature. In *Bhuwan Mohan Singh v. Meena* this Court held that Section 125 Cr.P.C. was conceived to ameliorate the agony, anguish, financial suffering of a woman who had left her matrimonial home, so that some suitable arrangements could be made to enable her to sustain herself and the children. Since it is the

sacrosanct duty of the husband to provide financial support to the wife and minor children, the husband was required to earn money even by physical labour, if he is able-bodied, and could not avoid his obligation, except on any legally permissible ground mentioned in the statute."

7. It is pertinent to mention that the amount awarded is not exorbitant and the petitioner has availed the remedy of revision. Second, revision being barred and this is not a case where the High Court deems it proper to exercise its inherent powers.

8. In the case of ***Kailash Verma v. Punjab State Civil Supplies Corporation and Another, (2005) 2 SCC 571***, the Apex Court held as under:-

"5. It may also be noticed that this Court in *Rajathi v. C. Ganesan* said that the power under Section 482 of the Criminal Procedure Code has to be exercised sparingly and such power shall not be utilised as a substitute for second revision. Ordinarily, when a revision has been barred under Section 397(3) of the Code, the complainant or the accused cannot be allowed to take recourse to revision before the High Court under Section 397(1) of the Criminal Procedure Code as it is prohibited under Section 397(3) thereof. However, the High Court can entertain a petition under Section 482 of the Criminal Procedure Code when there is serious miscarriage of justice and abuse of the process of the court or when mandatory provisions of law are not complied with and when the High Court feels that the inherent jurisdiction is to be exercised to correct the mistake committed by the revisional court."

9. The impugned order does not suffer from any illegality and perversity hence, no interference is called for from this court.

10. Accordingly, the present criminal misc. petition is dismissed.
11. All pending application(s), if any, stand disposed of.

(SANGEETA SHARMA),J

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