



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 243 of 2026

Manish Chaudhary @ Manish Kumar

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Harindra Prasad
Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Harindra Prasad, learned counsel for the revisionist and learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the present criminal revision has been filed with the relief which has been mentioned in the prayer clause. The prayer clause is delineated below:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to call for the lower court records. quash/set aside the impugned judgment and order dated 19-11-2025 passed by learned Additional Principal Judge. Family Court. Etawah, in Case No. 140/2018, Smt. Rakhi And Another Vs. Manish Chaudhary, whereby the maintenance (final) under section 125 Cr.P.C. was awarded to the opposite party no. 2, allow the present Revision after issuing notices to the opposite party no. 2.

It is further prayed that during the pendency of this revision. this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned order dated 19.11.2025 whereby learned Additional Principal Judge. Family Court, Etawah, has awarded maintenance (final) under section 125 Cr.P.C. in Case No. 140/2018, Smt. Rakhi And Another Vs. Manish Chaudhary during the pendency of the present Criminal Revision, otherwise revisionists shall suffer irreparable loss and injury."

3. Learned counsel for the revisionist further submits that the marriage

between the revisionist and Opposite Party No. 2 was solemnized on 07.06.2011 in accordance with Hindu rites and rituals. It is further submitted that out of the said wedlock, one male child was born, who is presently about 12 years of age and is residing with the revisionist.

4. Learned counsel further submits that, as per the wishes of Opposite Party No. 2 (wife), the revisionist constructed a residential house in Etah city. It is submitted that the revisionist sold a major portion of his ancestral land situated in his native village on 26.05.2017 and, thereafter, purchased another parcel of land in District Etah on 10.07.2017 in the name of his wife, i.e., Opposite Party No. 2, upon which a house was constructed. Subsequently, the revisionist, along with his wife and son, started residing in the said house at Etah.

5. It is further submitted that after some time, Opposite Party No. 2 allegedly compelled the revisionist to leave the said house and also subjected him to physical assault. Owing to such circumstances, the revisionist was constrained to leave the matrimonial home and started residing with his aged mother in his native village.

6. Learned counsel further submits that after a few years, the minor son, Abhinav Tiwari, was also allegedly subjected to physical assault by Opposite Party No. 2 and was forcibly turned out of the house at Etah, as a result of which he was found on the roadside. It is submitted that thereafter, the police produced the minor child before the Child Welfare Committee (Bal Kalyan Samiti), Etah, which, vide order dated 14.03.2024, granted custody of the minor son to the revisionist. A copy of the said order has been annexed as page no. 103 of the paper book.

7. Learned counsel for the revisionist further submits that since 14.03.2024, the minor son is in the custody of the revisionist (father), and therefore, no maintenance amount has been awarded in favour of the son, despite the fact that he was impleaded as a party in the maintenance proceedings.

8. Learned counsel further submits that for the purpose of purchasing land and constructing the house at District Etah, the revisionist sold a major portion of his agricultural property situated in the village, and at present,

Opposite Party No. 2 is residing in the said house. It is further submitted that a portion of the said house has been let out on rent, from which the Opposite Party No. 2 is receiving rental income she is also earning approximately Rs. 15,000/- per month from private employment.

9. It is thus submitted that Opposite Party No. 2 has sufficient means to maintain herself, whereas the revisionist, along with his minor son, is compelled to reside in the village with his aged mother and is sustaining their livelihood from the remaining agricultural land, a substantial part of which has already been sold for the aforesaid purposes.

10. In view of the above, the matter requires consideration.

11. Issue notice to Opposite Party No. 2.

12. Opposite Party No. 2 is granted two weeks' time to file the counter affidavit, and one week thereafter is granted to the revisionist to file a rejoinder affidavit.

13. Till the next date of listing, the recovery of arrears of maintenance shall remain in abeyance. However, the revisionist is directed to continue paying the monthly maintenance amount from March, 2026 onwards, as directed by the learned Additional Principal Judge, Family Court, Etawah.

14. List this case as fresh on 29.04.2026.

15. It is made clear that in case the revisionist avoids the proceedings on any date, the interim protection granted by this Court today shall stand automatically vacated.

(Praveen Kumar Giri,J.)

March 28, 2026

DKS