



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 577 of 2026

Virendra Singh

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Neeraj Kumar Srivastava, Sunil
Prakash Anand

Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Smt. Anjum Haq, Advocate holding brief of Sri Neeraj Kumar Srivastava, learned counsel for the revisionist and Sri Mayank Awasthi, learned State Law Officer for the State.

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

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to set aside the judgment and order dated 28.10.2025 passed by Additional Principle Judge Family Court No.5, District-Allahabad, in Maintenance case no.441 of 2016 (Surekha Devi and others Vs. Virendra Singh), U/s 125 Cr.P.C. at P.S. Cantt., District-Allahabad.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the effect and operation of impugned judgment and order dated 28.10.2025 passed by Additional Principle Judge Family Court No.5, District-Allahabad, in Maintenance case no.441 of 2016 (Surekha Devi and others Vs. Virendra Singh), U/s 125 Cr.P.C. at P.S. Cantt., District-Allahabad.

And or pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. Learned counsel for the revisionist submits that though the revisionist is getting Rs.60,452/- from the State Exchequer as he is an employee of Government Press, Prayagraj but after deduction he gets Rs.18,848/- only. She further submits that the amount of Rs.15,000/- granted towards maintenance is on the higher side and more than what the revisionist is earning. She further submits that as per the judgment passed by Hon'ble Supreme Court in the matter of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324**, 1/4th of the earning of the husband shall be deducted towards maintenance, as such, the impugned order dated 28.10.2025 is not sustainable in the eyes of law.

4. The matter requires consideration.

5. Issue notice to O.P. No.2 returnable at early date through concerned Chief Judicial Magistrate. Steps be taken within three days.

6. Four weeks' time is granted to the opposite parties for filing counter affidavit. Two weeks thereafter will be available to the learned counsel for the revisionist for filing rejoinder affidavit.

7. List this case on 12.05.2026.

8. Mere pendency of this revision will not preclude the concerned Family Court to proceed for execution of the maintenance order in accordance with law, until and unless any order is passed by this Court restraining the same.

(Praveen Kumar Giri,J.)

March 28, 2026
Manish Himwan