



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 1083/2024

Ritu Khatri D/o Sh. Tejbhan Soni, Aged About 38 Years, W/o Dr. Navneet Khanna, R/o House No. 280-B, Street No. 7, Setia Colony, Sriganganagar (Raj.)

-----Petitioner

Versus

Navneet Khanna S/o Sh. Ramesh Chandra, R/o B-20 Radhe Bunglow Part - Ii, Near Khokhara Circle, Maninagar, Ahmedabad (Gujarat) Iind Add. - Dr. Navneet Khanna S/o Sh. Ramesh Chandra Associate Professor, Institute Of Technology Research And Management Near Khokhara Circle Maninagar (East), Ahmedabad (Gujrat)

-----Respondent

For Petitioner(s) : Mr. Aakash Kukkar
For Respondent(s) : Mr. Navneet Khanna (present in person through VC)

HON'BLE MR. JUSTICE FARJAND ALI

Order

Date of Conclusion of Arguments : 14/01/2026

Date on which Order is Reserved : 14/01/2026

Full Order or Operative Part : Full Order

Date of Pronouncement : 20/01/2026

By the Court-

Grievance of the Case :

1. By way of filing the instant revision petition, the petitioner assails the impugned order dated 22.07.2024 passed by the learned Presiding Officer, Family Court No. 1, District





Sriganganagar, in Misc. Criminal Case No. 07/2020, whereby the learned Court has partly allowed the application filed under Section 125 Cr.P.C. and awarded a meager sum of Rs. 8,000/- per month as maintenance from the date of application, which is grossly inadequate, unjust, and disproportionate to the needs of the petitioner and the income and status of the respondent, thereby necessitating the present petition seeking enhancement of maintenance.

2. Briefly stated, the facts of the case are that the petitioner-complainant filed an application under Section 125 Cr.P.C. seeking maintenance, inter alia, pleading that her marriage with the non-applicant was solemnized on 02.10.2019 as per Hindu rites and rituals at Gurudwara Nanank Darbar, Ahmedabad, Gujarat, in the presence of parents and family members of both sides. The marriage was arranged through a matrimonial advertisement with the consent of both families. At the time of marriage, the parents and family members of the petitioner gave gifts, jewellery, and other articles, which were handed over to the non-applicant and his mother, and the dowry articles of the petitioner are still lying with the family of the non-applicant. It was represented that the non-applicant was in a Government job and was required to submit a declaration in his office that no dowry had been taken; believing the same in good faith, the petitioner executed a declaration on stamp paper stating that no dowry was demanded or given. It was further disclosed

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that the non-applicant was previously married and his first wife had expired about 5–6 years prior, while the petitioner's first marriage had already been declared void under Section 12(1)(a) of the Hindu Marriage Act ,1955 by the Family Court, and all relevant documents were shown to the non-applicant's family prior to the marriage.

3. It is the case of the petitioner that soon after the marriage, the non-applicant and his mother started harassing her for additional dowry, taunting and comparing her with the dowry articles of the first marriage, and subjected her to physical and mental cruelty. Despite intervention by her parents in October 2019, the harassment continued unabated. Owing to constant harassment, the petitioner's health deteriorated, and during this period her mother expired on 27.10.2019 at Sriganganagar. Even at the time of bereavement, the petitioner was harassed, and on 29.10.2019, upon reaching Sriganganagar, fresh demands were raised by the non-applicant and his mother, including demands for facilities and a car. On 30.10.2019, despite intervention by the Panchayat, the non-applicant allegedly assaulted the petitioner in front of the Panchayat and deserted her at Sriganganagar. The petitioner thereafter lodged a complaint at Police Station Sriganganagar. A legal notice dated 30.11.2019 was issued by the non-applicant, to which a reply was submitted by the petitioner.

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4. The petitioner asserted that she is highly qualified, being a graduate with B.Ed., M.Ed., and NET qualifications, but is presently unemployed and dependent upon her father, having no independent source of income. It was pleaded that the non-applicant is a Mechanical Engineer, educated up to M.I./Ph.D., presently working as Head of Department at the Institute of Infrastructure and Technology Research and Management, Ahmedabad, a Government Institute, earning more than Rs. 1.5 lakhs per month, enjoying government accommodation, other service benefits, and owning immovable property at Kurukshetra, Haryana. On the other hand, the respondent denied the allegations, claimed that the petitioner is earning sufficiently, and alleged cruelty on her part. After both parties led their evidence, the learned Family Court, by order dated 22.07.2024, partly allowed the application under Section 125 Cr.P.C. and awarded a sum of Rs. 8,000/- per month as maintenance. Being aggrieved by the said order, which is alleged to have been passed in a hurried and hyper-technical manner without proper appreciation of the material on record and settled legal principles, the petitioner has preferred the present petition seeking enhancement of maintenance.

5. Learned counsel for the petitioner submitted that the impugned order dated 22.07.2024 passed by the learned Family Court suffers from manifest perversity, gross illegality and patent error apparent on the face of record, inasmuch as

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the Court failed to properly appreciate the pleadings, evidence and settled principles governing grant of maintenance under Section 125 Cr.P.C., resulting in serious miscarriage of justice. It is contended that awarding a meager sum of ₹8,000/- per month as so-called "supportive maintenance" is wholly arbitrary, particularly when the respondent is an admittedly well-placed government employee, presently working as an Associate Professor and earning more than ₹1,80,000/- per month, which fact was deliberately avoided by him but duly pleaded and supported by material on record by the petitioner. The learned Family Court gravely erred in drawing an adverse inference against the petitioner merely on the ground of her educational qualifications, ignoring the settled law that mere capacity to earn does not disentitle a legally wedded wife from maintenance, especially when she is not actually employed and has specifically pleaded physical, mental and emotional breakdown due to dowry harassment, desertion and pendency of divorce proceedings initiated by the respondent himself.

6. It is further submitted that the Court failed to consider the petitioner's dependent status, her lack of independent means, her right to live with dignity and parity with the standard of living of her husband, and the respondent's statutory obligation to maintain her. The impugned order, being devoid of proper judicial reasoning and appreciation of

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material evidence, deserves to be interfered with and the maintenance amount enhanced as prayed.

7. The respondent submitted that the present revision petition has been filed by the petitioner with the sole intent to harass the respondent and his minor daughter, Soham, and to misuse the criminal justice system for monetary extortion. It is contended that the petitioner herself insisted that the minor child be sent away permanently to her maternal home or a hostel and declined to discharge her moral and constitutional duty as a mother under Article 51A(k) of the Constitution. Upon the respondent's refusal, the petitioner allegedly lodged false criminal cases under Sections 498-A, 323 and 406 IPC and pursued proceedings under Section 125 Cr.P.C. It is further urged that presuming cruelty against the respondent in maintenance proceedings solely on the basis of a pending 498-A trial violates the fundamental right to presumption of innocence.

8. The respondent asserted that the petitioner approached the Court with unclean hands, as her allegations of physical and mental cruelty and forcible ouster from the matrimonial home stand unsupported by any medical, documentary, or independent evidence. On the contrary, during cross-examination (Exhibit-AW01), the petitioner admitted that she produced no medical reports, no affidavits of neighbors, and no video or other proof to substantiate her claims. Further

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admissions reveal that she never expressed willingness to resume cohabitation, never made efforts for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, and has been voluntarily living separately without sufficient cause, thereby attracting the statutory bar under Section 125(4) Cr.P.C.

9. It is further submitted that the petitioner is not entitled to maintenance as she is highly educated, professionally qualified, able-bodied, and has sufficient independent means to maintain herself. She admittedly holds multiple postgraduate degrees, professional teaching qualifications, NET eligibility, and is pursuing a PhD with a monthly stipend. She has also admitted past gainful employment in reputed institutions, receipt of permanent alimony of ₹5,00,000/- from her previous marriage, possession of substantial fixed deposits, gold ornaments, and bank savings, and absence of any liabilities. Her own testimony reveals that she voluntarily chose not to work to attend to her ailing father, which cannot be construed as inability to maintain herself. The marriage itself lasted only about 57 days, a relevant factor as recognized by the Supreme Court in *Rajnesh v. Neha* 2020 SCC online SC 903 .

10. Lastly, the respondent highlighted material contradictions in the petitioner's pleadings and evidence, deliberate concealment of her employment history, and non-

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compliance with the mandatory income-asset-liability affidavit despite repeated directions, causing prolonged delay in adjudication.

11. In contrast, the respondent duly disclosed his financial details, cooperated with the proceedings, and even made voluntary supportive maintenance payments, which were never denied by the petitioner. The respondent, a single parent, is solely responsible for the upbringing, education, and future needs of his minor daughter, Soham, and has no immovable property of his own. Despite contesting the entitlement, he continues to comply with the impugned order by regularly depositing maintenance as directed, without prejudice to his rights and contentions.

12. Heard learned counsel present for the petitioner and respondent -Mr. Navneet Khanna (present in person through VC) as well as gone through the materials available on record.

Observations of the Court

13. Having bestowed anxious consideration to the rival submissions advanced by learned counsel for the parties, having minutely perused the pleadings, evidence led by both sides, the impugned order dated 22.07.2024 passed by the learned Presiding Officer, Family Court No. 1, District Sriganganagar, and the material available on record, this Court proceeds to record its observations. It is made clear at

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the outset that the present exercise is confined to examining the correctness, legality and propriety of the impugned order within the limited revisional jurisdiction, and not to re-appreciate the entire evidence as if sitting in appeal. It is a settled proposition of law that revisional powers are supervisory in nature and are to be exercised sparingly, only where there is manifest illegality, perversity, jurisdictional error or gross miscarriage of justice apparent on the face of the record.

14. At the core of the controversy lies the grievance of the petitioner with regard to the quantum of maintenance awarded under Section 125 Cr.P.C. The jurisprudence governing maintenance proceedings is well crystallized. Maintenance is neither a mode of punishment nor a measure of unjust enrichment. It is a social justice measure intended to prevent destitution and vagrancy, ensuring that a dependent spouse is not left to penury and indignity. At the same time, maintenance is not to be equated with partition of property, nor does it confer a right upon the wife to claim an equal share in the income or assets of the husband. The object of maintenance is to provide reasonable financial support commensurate with the needs of the claimant and the paying capacity, financial strength, social milieu and standard of living of the respondent. The oft-quoted maxim *aurea mediocritas*- the golden mean, aptly applies to

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determination of maintenance, requiring the Court to strike a judicious balance between competing considerations.

15. The learned Family Court, while exercising its discretion on the question of quantum, has demonstrably undertaken an assessment of the relevant factors, including the duration of the marriage, the educational qualifications and capacity of the petitioner, the income and liabilities of the respondent, and the overall factual matrix. This Court finds no substance in the contention that such discretion was exercised arbitrarily or capriciously. It is trite law that determination of maintenance involves a large element of judicial discretion, and unless such discretion is shown to be perverse, unreasonable or based on irrelevant considerations, interference in revision is wholly unwarranted.

16. A significant and undisputed circumstance, which cannot be glossed over or forgoed, is that the matrimonial relationship between the parties subsisted for an extremely short duration of about 57 days. While the length of marriage by itself is not determinative of entitlement under Section 125 Cr.P.C., it is nonetheless a relevant factor in assessing the nature of dependency, adjustment of lifestyle, and the extent to which parties had, in fact, shared a common standard of living. The learned Family Court has rightly taken note of this aspect.

17. Equally important is the conduct of the respondent post passing of the impugned order. It is not in dispute that

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instead of assailing the order or adopting dilatory tactics, the respondent has honoured the directions of the Family Court and has been regularly paying the maintenance amount as awarded. This conduct reflects his respect for the judicial process and compliance with the rule of law. Such conduct cannot be lightly brushed aside. It evidences bona fides, gentlemanship, and a responsible approach towards judicial orders, even while contesting entitlement on merits. Courts are not oblivious to conduct of parties, as equity and good conscience are integral to the dispensation of justice.

18. The contention of the petitioner that the maintenance amount of ₹8,000/- per month is "meager" merely because the respondent is earning a higher income, does not appeal to reason. Maintenance cannot be claimed on a straight-jacketed formula that a fixed proportion of the husband's income must invariably be awarded to the wife. The law does not envisage that because the husband earns more, the wife must necessarily receive half or a substantial fraction thereof. Such an approach would amount to converting maintenance proceedings into a de facto claim for sharing of income or property, which is impermissible. The learned Family Court has correctly appreciated that maintenance is to ensure reasonable support in accordance with the needs of the claimant and the surrounding circumstances, not to elevate the claimant to a position of unjust enrichment.

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19. This Court also finds substance in the observation that the petitioner is a highly educated and professionally qualified individual. The record reflects that she holds multiple academic and professional qualifications and has admittedly worked in reputed and well-known schools in the past. It is common knowledge, and can be judicially noticed, that employment in reputed educational institutions is not easily forthcoming and ordinarily reflects merit, competence and capability. The mere assertion that she is presently unemployed does not ipso facto establish inability to maintain herself, particularly when the material on record suggests that she possesses the capacity, qualification and potential to earn. The settled legal position is that while mere capacity to earn does not disentitle a wife from maintenance, the Court is entitled to take into account the earning potential, qualifications and past employment while determining the quantum. The learned Family Court has not denied maintenance on this ground; rather, it has calibrated the quantum after due consideration, which cannot be said to be illegal or perverse.

20. The argument that adverse inference ought not to have been drawn against the petitioner on account of her qualifications is misconceived. The impugned order does not proceed on a presumption alone, but on cumulative assessment of her educational background, past employment in reputed institutions, absence of convincing proof of complete inability

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to work, and the overall circumstances. It is also relevant that even if certain documents of petitioner's employment could not be produced by the respondent, the Court is not required to don blinkers and ignore reasonable inferences arising from admitted facts and surrounding circumstances.

21. As regards allegations of cruelty, desertion and dowry harassment, this Court is conscious that proceedings under Section 125 Cr.P.C. are summary in nature. At the same time, the learned Family Court has correctly noted that the petitioner failed to substantiate such allegations by cogent medical or independent evidence, and that certain admissions made during cross-examination dilute the force of her assertions. The respondent's contention that presumption of cruelty cannot be drawn merely on the pendency of criminal proceedings is legally sound, being anchored in the fundamental principle of presumption of innocence.

22. The plea under Section 125(4) Cr.P.C., raised by the respondent, has also been considered by the learned Family Court in the backdrop of admissions regarding voluntary separation and absence of concrete steps for restitution. While the Family Court has still awarded supportive maintenance, it has evidently exercised restraint and balance, which reinforces the conclusion that the discretion has been exercised judiciously and not mechanically.

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23. This Court also takes note of the respondent's responsibility as a single parent towards his minor daughter. While such responsibility does not absolve him of his statutory obligation towards the petitioner, it remains a relevant factor in assessing his overall liabilities and financial commitments. The learned Family Court has not ignored this aspect, nor has it disproportionately weighed it to the detriment of the petitioner.

24. Viewed cumulatively, the impugned order reflects a reasoned exercise of judicial discretion, based on relevant considerations and settled principles of law. The observations and conclusions drawn therein do not suffer from perversity, illegality or patent error apparent on the face of the record.

25. Accordingly, this Court finds no ground to interfere with the impugned order dated 22.07.2024. The learned Family Court has properly assessed the quantum of maintenance, taking into account the short duration of marriage, the financial capacity and conduct of the respondent, the qualifications and potential of the petitioner, and the object of Section 125 Cr.P.C. The award of ₹8,000/- per month cannot be termed arbitrary or unjust in the facts and circumstances of the case. The revision petition, being devoid of merit, deserves to be dismissed.

(FARJAND ALI),J

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