

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

S.B. Criminal Revision Petition No. 1615/2019

Rana Ram Veera S/o Late Shri Teja Ram, Aged About 33 Years, By Caste Sain, Permanent R/o Village And Post Pochhina, Dist. Jaisalmer (Raj.). Pin 345001. Present Address - 496 Mof C/o 32 Wing C/o 56 APO, Air Force Station Jodhpur (Rajasthan) Pin 342001.

----Petitioner

Versus

Payal W/o Rana Ram D/o Girdhari Lal, By Caste Sain, R/o 18/620, Chopasani Housing Board, Jodhpur (Rajasthan).

----Respondent

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For Petitioner(s)	: Mr. Rana Ram Veera (petitioner in person)
For Respondent(s)	: Dr. Shailendra Kala, with Mr. Anuj Kala

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

**Order**

**23/05/2022**

This Criminal Revision Petition under Section 19(4) of the Family Courts Act, 1984 read with Sections 397 and 401 Cr.P.C. against the order dated 30.09.2019 passed by learned Judge, Family Court No.2, Jodhpur in Criminal Original Case No.24/2019 (182/2017) whereby the learned court below has allowed the application under Section 125 Cr.P.C.

The petitioner, present in person, submits that he is a Sergeant in Indian Air force.

The petitioner has relied upon the judgment rendered by the Hon'ble Madhya Pradesh High Court in ***Pooja Gaur Vs. Umit @***

**Pinky Patel** reported in **(2016) 3 DMC 194**, the petitioner has referred Para 7 & 8 of the judgment, which reproduced hereunder:

"7. On the basis of the evidence, principally on the basis of admissions made by the petitioner ~~and~~ witnesses following interferences may be drawn:

- 1) The petitioner has failed to prove that she was subjected to dowry harassment.
- 2) She also failed to prove that she was expelled from her matrimonial home. On the contrary, it has been proved that she left her matrimonial home of her own accord.
- 3) She is suffering from some form of mental illness for which she has undergone treatment.
- 4) She had instituted cases under Sections 498 A and 406 of the IPC against the respondent and the respondent has been acquitted of the offence under Section 498 A of the IPC.

8. In aforesaid circumstances, learned trial Court was justified in holding that the petitioner is not entitled to stay away from her husband and claim maintenance."

The petitioner has taken this Court towards the acquittal under Sections 498-A & 406 IPC vide order dated 14.07.2021. The petitioner submits that since there was an acquittal, therefore, the aforesaid precedent law is applicable, and thus, he is not liable to pay the maintenance. The petitioner further submits that he is getting the monthly income of Rs.55,000/-.

The petitioner also submits that the arrears have created financial difficulties to him and he has a joint family, which he has to maintain, which are also not plausible reasons sufficient to deny the maintenance to the wife and daughter.

Learned counsel for the respondent-wife opposes the submissions.

This Court finds that the precedent law cited by the petitioner is not applicable in the present case because the acquittal of the petitioner is only by giving him benefit of doubt. On reading of the judgment, it comes out that there was a consistency in the statements of the witnesses and it is only on count of certain minor discrepancies, the benefit of doubt has been given to the petitioner.

However, this Court did not wish to delve into the merits of the case, but is of the firm opinion that once the benefit of doubt has been enjoyed, then the petitioner is not entitled to claim that he is not liable to pay the maintenance to the wife and the daughter.

In the present times, when the education itself is very costly and the daily life requires a respectable amount, the denial of maintenance to the wife and the daughter cannot be justified. The submission made by the petitioner that the matter be remanded back is also of no consequence because the income is admitted and the quantum is justified as only his liability of the maintenance is Rs.10,000/- to the wife and Rs.5,000/- to the daughter, whereas the petitioner is admittedly earning monthly income of about Rs.55,000/-.

In view of the above, no interference in the present petition is called for and the same is accordingly dismissed. All pending applications stand disposed of. Record of the learned court below be sent back forthwith.

**(DR.PUSHPENDRA SINGH BHATTI), J.**