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CRR-6279-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 6th OF MAY, 2025CRIMINAL REVISION No. 6279 of 2024

.....
Appearance:

Mr. Romesh Pratap Singh - Advocate for petitioner.

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ORDER

This revision under Section 19 (4) of Family Court Act read with Section 397, 401 of Cr.P.C. has been filed against the order dated 21.11.2024 passed by Principal Judge, Family Court, Vidisha in MJCR No. 13/2023 by which monthly maintenance amount of Rs.3,000/- has been awarded to the respondent.

2. A solitary ground was raised by counsel for petitioner that petitioner was ready and willing to keep the respondent with him and, therefore, she is not entitled for maintenance amount.

3. Heard counsel for petitioner.

4. It was fairly conceded by counsel for petitioner that petitioner never moved any application before the trial Court offering to keep the respondent and his child with him.

5. Proviso of Section 125 (3) of Cr.P.C. reads as under :-

"Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him,



such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing."

Thus, it is clear that if a person offers to maintain his wife on condition of her living with him, and she refuses to live with him, then Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for doing so.

6. Since petitioner never offered to maintain his wife, therefore, merely because he has stated in his reply to the application, this Court is of the considered opinion that the stand taken by the petitioner in his reply cannot be said to be an offer made by the petitioner. In fact, the petitioner should have specifically put this question to the respondent in her cross-examination and should have specifically stated in his evidence or should have specifically filed an application in that regard. According to petitioner, nothing of that sort was done by him.

7. Furthermore, the monthly maintenance amount of Rs.3,000/- cannot be said to be on the higher side.

8. Considering the totality of the facts and circumstances of the case, this Court is of the considered opinion that no case is made out warranting interference.

9. Revision fails and is hereby **dismissed**.

(G. S. AHLUWALIA)
JUDGE



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