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CRR-4518-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 22nd OF JUNE, 2026CRIMINAL REVISION No. 4518 of 2023*SMT. POOJA AND OTHERS**Versus**GABBAR @ MUSTAFA*

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Appearance:

Shri Rajesh Joshi- Advocate for the petitioner.
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(Heard on: 07.05.2026)

(Delivered on: 22.06.2026)

ORDER

This Criminal Revision under Section 19(4) of the Family Courts Act, 1984 has been preferred against the order dated 26.08.2023 passed in MJCR No.56/2022 by the learned Second Additional Principal Judge, Family Court. By the impugned order, the application for maintenance filed on behalf of petitioner No.1 has been dismissed, whereas the application in respect of petitioner No.2 has been partly allowed and maintenance has been awarded at the rate of Rs.2,000/- per month from the date of filing of the application, i.e., 08.01.2022. Aggrieved by the dismissal of the claim of petitioner No.1 and the inadequacy of the maintenance awarded to petitioner No. 2, the present revision has been filed.

2. The facts of the case in brief, are that the revision petitioners filed an application under Section 125 of the Code of Criminal Procedure, 1973 on 08.12.2022 alleging that the respondent had solemnized marriage with



revision petitioner No.1 on 23.02.2020 by concealing his identity and representing himself to be a Hindu. It was further stated that revision petitioner No.1 got pregnant in June, 2020. Thereafter the true identity of the respondent came to light when revision petitioner No.1 found the respondent's Aadhaar Card which disclosed his name as Gabbar@Mustafa S/o Jakiuddin and showed him to be a follower of the Bohra community. When she opposed then respondent threatens her that he will kill her parents and also commit suicide. Petitioner no.1 got terrified. She was subjected to cruelty. She delivered revision petitioner No.2 born on 24.03.2021. A pressure was exerted to adopt Bohra religion and when petitioner no.1 denied then she was subjected to physical assault. When petitioner no.1 went to house of her parents on 02.04.2021 then respondent entered into the house of the parents of the petitioner no.1 herself. On 04.04.2021 the FIR was lodged at Police Station Dwarkapuri, District Indore and a crime No.573/2023 was registered against the respondent for offences punishable under Sections 452, 498-A, 323, 294, 506 read with Section 34 and Section 425 of the IPC, as well as under section 5 read with section 3" of the Madhya Pradesh Dharmik Swatantrya Adhiniyam, 2021. There after respondent attempted to abduct revision petitioner No. 1 when she had gone to a Shiva Temple and also assaulted her. Respondent also threatened the family members of the priest of the temple. She was subjected to various threats and saved herself by entering P.S.- Dwarkapuri, District-Indore (MP). They are unable to maintain themselves. Respondent is working as gym trainer and earned Rs.30,000/- per month income. He provided personal training and earns



Rs.20,000/- and performed the business of selling protein powder and earns Rs.10,000/-. He further earns Rs.10,000/- from the sale of oil. He was also engaged in working as broker of the property and earns Rs.30,000/- per month. Over all sources of income is Rs.1 Lac. per month. Each of the petitioners claiming Rs.30,000/- per month as maintenance.

3. Despite service of notice respondent remains absent before this court and petitioner examined herself as PW-1 and adduce the documents Exhibit-P/1 to P/6.

4. Appreciating the evidence trial court rejected the claim of the petitioner no.1 recording the finding that petitioner no.1 is not legally wedded wife of the respondent but recorded the finding that petitioner no.2 is daughter of the respondent and discarded the documents Exhibit-P/6 recording the income of the respondent in the absence of owner of the gym operator and assessed the income of the respondent as labourer to the tune of Rs.10,000/- to Rs.12,000/- per month and awarded only Rs.2,000/- per month income to the petitioner no.2.

5. Challenging the above, this revision petition is preferred.

6. Heard.

7. Before this court also respondent remained absent despite service of notice.

8. Perused the record.

9. When the marriage rituals were performed with the petitioner concealing the religious identity and a child was born out of the said relationship, the Trial Court committed an illegality in discarding the claim



of petitioner No.1 merely on the ground that the relationship could not be treated as a legally valid marriage. The finding that petitioner No.1 cannot be treated as the legally wedded wife of the respondent is unsustainable in the facts and circumstances of the case. Such an approach results in further victimization of petitioner No.1 who had already suffered at the hands of the respondent, and thereafter was denied maintenance by the Trial Court. Accordingly, the finding of the Trial Court to the aforesaid extent deserves to be and is hereby set aside.

10. Now, coming to the quantum of maintenance, the same is required to be assessed keeping in view the cost of living in a city like Indore. If the respondent engages in so many unlawful activities to pressurize the revision petitioners then he ought to be aware about the liabilities. Accordingly, an amount of Rs.10,000/- per month is awarded as maintenance to petitioner No.1 from the date of filing of the application i.e. 08.01.2022 and an maintenance awarded to petitioner No.2 is enhanced from Rs.2,000/- per month to Rs.10,000/- per month, payable from the date of filing of the application i.e. 08.01.2022.

11. With the aforesaid, this revision petition is allowed and stands disposed off.

(GAJENDRA SINGH)
JUDGE