IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 1504 of 2024

YOGESH AND OTHERS

Versus

PARUL

Appearance:

Shri Saurabh Tripathi - Advocate for the petitioner.

Shri Hitesh Sharma - Advocate for the respondent.

Heard on :- 19.06.2025.

Posted on:- 18.07.2025.

ORDER

This criminal revision under Section 397 r/w Section 401 of the Cr.P.C., 1973 is preferred challenging the order dated 31.01.2024 passed in Criminal Appeal No.107/2023 by IIIrd Additional Sessions Judge, Indore arising out of order dated 14.02.2023 passed in UNCR No.194/2022 by JMFC, Indore whereby an amount of Rs.60,000/- per month has been awarded as interim maintenance from the date of application i.e 12.01.2022 under Section 23 of the Protection of Women Against Domestic Violence Act, 2005.

2. Fact in brief are that an application under Section 12 of the Protection of Women Against Domestic Violence Act, 2005 on 12.01.2022 before JMFC, Indore with the averments that she was married to the petitioner No.1 on 03.11.2020 at Vedic Samaj Kalyan Samhiti Pratap Vihar Ghaziabad, Uttar Pradesh and after the marriage petitioners committed cruelty towards her for fulfilling the unlawful demand of Rs.5,00,000/- dowry.

3. The First Information Report Annexure P/7 was lodged on 15.01.2022 at

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Police Station Mahila Thana Indore as Crime No.14/2022 under Section 498, 294 of the IPC and Section 3, 4 of Dowry Prohibition Act, 1961 and an application under Section 23 of the Protection of Women Against Domestic Violence Act, 2005 was also filed claiming Rs.3,000,000/- interim maintenance alleging that petitioner earns Rs.9,00,000/- per month and possess various assets in Canada & India and earns a huge amount through share market and investment in mutual funds. His life standard is of upper class as disclosed through transactions of credit cards, bank account statements , D-Mat accounts and salary slips. He earns Rs.14,00,000/- per month from these sources. Whereas respondent/wife does not possess means to maintain herself.

4. Application of interim maintenance was contested by the present petitioner and JMFC Indore allowed the application for interim relief assessing the income of present petitioner as Rs.4,32,300/- and awarded an amount of Rs.60,0000/- per month as interim maintenance under Section 23 of the Protection of Women Against Domestic Violence Act, 2005. Impugned order was challenged by both the parties present petitioner filed criminal appeal No.119/2023 whereas respondent/wife marriage was registered for visa purpose and no rituals or customs were followed and thereafter they demanded Rs.1,00,00,000. Their sole purpose of getting the certificate was to commit the fraud and thereafter, filed First Information Report on false allegations after 02 years delay.

5. Petitioner No.1 has already filed a petition under Section 12 of the Hindu Marriage Act, 1955 for declaration of nullity of the marriage. The JMFC, Indore recorded the findings against his pleadings that they lived together for three days between 03.11.2020 to 05.11.2020. Appellate Court has also recorded the incorrect findings that respondent were having normal conversations till 17.11.2020 on Whatsapp. The respondent is well educated and has a Masters

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degree of MBA. Her mother gets pension of father. Both of them earn a decent income and live in their own home and they possess no liabilities.

6. The JMFC, Indore have committed error in converting the Canadian Dollar into Indian Rupees at the rate of Rs.78/- per Canadian Dollar. Presently, he has no job and is dependent on the stipend admitted to unemployed persons.

7. The respondent has not approached this Court with clean hands and suppressed the facts and relevant information. The requirement of Rs.60,000/- has not been disclosed from the affidavit filed in the light of ***Rajneesh Vs. Neha (2021) 2 SCC 324.***

Heard.

8. Learned counsel for the respondent has opposed the petition.

Perused the record.

9. Before proceeding further the Court is mentioning the scope of revision against the order of interim maintenance and for this purpose Section 23 of the Protection of Women Against Domestic Violence Act, 2005 is being reproduced:-

> **"23. Power to grant interim and ex parte orders.**—(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.
>
> (2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent."

10. Above provision of Section 23 of Protection of Women Against Domestic Violence Act, 2005 discloses that the Court have jurisdiction to grant a

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ex-parte order on the basis of the affidavit and the Court is empowered to pass such interim orders as it feels just and proper.

11. The Apex Court in ***Malkeet Singh Gill v. State of Chhattisgarh (2022) 8 SCC 204*** has explained the scope of object of the power of revision in the following words:-

> "10..... the scope of interference in revision is extremely narrow. The object of the provision is to set right a patent defect of an error of jurisdiction or law. There has to be well-founded error which is to be determined on the merits of individual case. It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings."

12. The purpose of granting interim maintenance is that during the pendency of the maintenance application, applicant may get some amount so that he or she may make both ends meet. This is in order to ensure that neglected wife is not left beggared and destituted on the scrap heap of society and thereby driven to a life of vagrancy, immorality, and crime for their subsistence.

13. Presently, there is a marriage certificate certifying the marriage solemnized on 03.11.2020 and there is First Information Report by the respondent against the petitioners under Section 498-A of the IPC and Section 3, 4 of the Dowry Prohibition Act, 1961. The allegations that marriage was registered only for the purpose for obtaining the visas or the factors that conversion rate of Canadian Dollar into Indian Rupees is not proper and had to be decided after recording the evidence.

14. The additional documents proposed by the petitioner No.1 are not supposed to be filed before this Court because the present petition is to be decided

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on the strength of the material that was before the JMFC, Indore.

15. In the light of above legal position and the material placed before the trial Court the impugned order does not come within the purview of order in which the interference is required. Hence, this criminal revision is dismissed. The prayer for direction to petitioner No.1 to deposit the arrears of amount are to be prosecuted before the JMFC, Indore. Accordingly, I.As No.7210/2024 and 4750/2025 filed by both the parties are also disposed off.

(GAJENDRA SINGH)
JUDGE

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