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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA**

**ON THE 5<sup>th</sup> OF FEBRUARY, 2024**

**CRIMINAL REVISION No. 3404 of 2017**

**BETWEEN:-**

**SMT. RUBINA BEE W/O MOHAMMAD AARIF MEV,  
AGED ABOUT 25 YEARS, OCCUPATION: HOUSE WORK  
H. NO. 36, VEDVYAS COLONY, P.S. DO BATTI, RATLAM  
(MADHYA PRADESH)**

**.....PETITIONER**

**(SHRI KAILASH CHANDRA KAUSHAL - ADVOCATE)**

**AND**

**MOHAMMAD AARIF S/O ANWAR MEV, AGED ABOUT 29  
YEARS, OCCUPATION: AGRICULTURE AND BUSINESS  
MEVATI MOHALLA, NIMBAHEDA, DISTT. NIMBAHEDA  
(RAJASTHAN)**

**.....RESPONDENT**

**(SHRI UPENDRA SINGH - ADVOCATE)**

.....  
*This revision coming on for orders this day, the court passed the  
following:*

**ORDER**

The present revision petition is filed under section 19(4) of the Family Court Act read with section 397/401 of Cr.P.C challenging the order dated 25.09.2017 passed by Family Court, Ratlam in Miscellaneous Criminal Case No.110/2016, by which the application of the petitioner for grant of maintenance under section 125 of Cr.P.C has been rejected.

2. The facts of the case are that the marriage (*Nikah*) between the petitioner and the respondent was solemnized on 24.12.2014. It is alleged that after the marriage, the respondent started torturing the petitioner and also started

beating her and therefore, she had gone to the house of her parents.

3. The trial court after appreciating the evidence, held that the petitioner, who was examined as PW-1 has stated in her statement that she came to her parent's house (*Mayka*) on 20.05.2015 and thereafter, she had gone to some other place. His brother Junaid lodged missing person report Exb.D/1 dated 30.05.2015. The brother of the petitioner was examined as PW-2, who has stated that he lodged a missing person report and the petitioner (her sister) had gone alongwith with one Sonu Tak and the aforesaid fact has also been admitted by petitioner PW/1 in para no.7 of her statement that after that she appeared before the police station Shivgarh.

4. The trial court on evaluation of entire facts and evidence held that since the petitioner could not prove that she was forcibly ousted by the respondent from their house. On the contrary, it is proved that the petitioner refuses to live with her husband without any sufficient reason.

5. In view of the provision of sub-section 4 of section 125, wife who is living separately from her husband without any sufficient cause is not entitled for maintenance. Therefore, I do not find any illegality or perversity in the order impugned warranting any interference in the revisional jurisdiction.

Accordingly, the present revision petition stands dismissed.

**(VIJAY KUMAR SHUKLA)**  
**JUDGE**

Sourabh