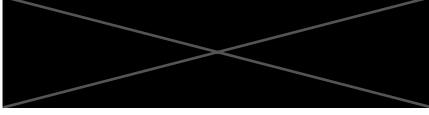




2026:AHC:34917

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6409 of 2025



....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Kuldeep Singh Chahar
Counsel for Opposite Party(s) : G.A.

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Case called out in the revised call. None has appeared on behalf of the opposite party no.2 to press the present revision. Hence this criminal revision is being decided after hearing the arguments of learned counsel for the revisionist as well as learned AGA.

2. Heard Sri Atul Kumar, Advocate holding brief of Sri Kuldeep Singh Chahar, learned counsel for the revisionist and learned AGA for the State and perused the material available on record.

3. This criminal revision has been filed by the revisionist with prayer to set aside the order dated 22.08.2025 passed by the learned Principal Judge, Family Court, Mathura, in Criminal Case No.947 of 2022 [REDACTED] [REDACTED]), under Section 125 Cr.P.C. whereby the revisionist has been directed to pay maintenance amount of Rs. 10,000/- per month to the opposite party no. 2 (wife) from the date of application.

4. Learned counsel for the revisionist submits that the revisionist had filed written submissions before the trial court specifically alleging that opposite party no. 2 was living in adultery with one [REDACTED]. However, the trial court did not consider the said allegation on the ground that no certificate under Section 65-B of the Indian Evidence Act had been filed in support of the electronic evidence.

5. Learned counsel for the revisionist has drawn attention to page nos. 141 to 197 of the paper book, which allegedly contain WhatsApp chats between opposite party no. 2 and one [REDACTED] and on page no. 152,

where the conversation is stated to be indecent in nature and indicative of physical intimacy between them. It is contended that despite annexing several WhatsApp chats, the trial court failed to consider the same and passed the impugned order arbitrarily. It is further submitted that no specific issue regarding adultery was framed by the trial court, despite specific allegations having been made in the reply along with the WhatsApp chats.

6. Learned AGA has opposed the prayer made by learned counsel for the revisionist but could not dispute the aforesaid facts.

7. On considering the facts and circumstances of the case, the submissions advanced by learned counsel for revisionist and learned A.G.A., as well as perusal of the record and the order passed by the trial court, it appears that the WhatsApp chats annexed by the revisionist were not accepted solely on the ground that a certificate under Section 65-B of the Indian Evidence Act had not been submitted. However, Section 14 of the Family Courts Act provides that a Family Court may receive as evidence any report, statement, document, information, or matter that may, in its opinion, assist it in effectively dealing with a dispute, whether or not such evidence would otherwise be relevant or admissible under the Indian Evidence Act, 1872. Moreover, while adjudicating matrimonial disputes, the Family Court may lay down its own procedure.

8. A perusal of paragraph 11 of the written submissions filed by the revisionist before the trial court (at page 11) reveals specific allegations against opposite party no.2 concerning her character that she has an illicit relationship, namely [REDACTED]n. The WhatsApp chats were also annexed in support thereof. However, the trial court neither considered the same nor framed any specific issue on the point of adultery. In view of the specific pleadings and supporting material filed by the revisionist, a specific issue ought to have been framed and adjudicated upon after considering the evidence on record.

9. The trial court, while deciding the application under Section 12 of the Protection of Women from Domestic Violence Act, failed to consider the evidence filed by the revisionist and did not frame a specific issue regarding adultery, which was mandatory in view of Section 354(6) of the Code of Criminal Procedure.

10. Consequently, the order dated 22.08.2025 passed by the trial court is not

sustainable in the eyes of law and is accordingly set aside. The matter is remitted to the trial court for fresh consideration after hearing learned counsel for the parties and permitting the parties to adduce such evidence as may assist the court in effectively adjudicating the dispute in light of Section 14 of the Family Courts Act.

11. The instant criminal revision stands allowed.

February 17, 2026
Akbar

(Madan Pal Singh,J.)