2026:HHC:43468

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision (FC) No. 57 of 2026
Date of Decision: 05.10.2026

Ravinder Kumar **……..Petitioner**

Versus

Hema Rani & another **…....Respondents**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?

For the petitioner: Mr. Ankit Dhiman, Advocate.
For the respondents: Mr. Tarun K. Sharma, Advocate .

Ajay Mohan Goel, J.*(Oral)*

By way of this criminal revision petition, the petitioner has, inter alia prayed for the following reliefs:

> "(A). Allow the present petition by setting aside/quash the impugned order/judgment dated 20.03.2026 (Annexure P-1) passed by the Ld. Principal Judge/Additional Principal Judge, (Family Court), Hamirpur, H.P., in the petition under Section 125 Cr.PC and dismiss the petition filed by the respondents under Section 125 Cr.PC.
>
> (B) Remand the matter to the learned Court below for fresh decision after proper appreciation of evidence and after considering the legal objections of the petitioner regarding validity of marriage and paternity."

2. The petitioner has assailed order dated 20.03.2026 passed by the Court of learned Additional Principal Judge, Family Court, Hamirpur, H.P in case Registration No.21 of 2023 titled Hema Rani vs Ravinder Kumar, in terms whereof, the petition filed by

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the respondents herein under Section 125 of Criminal Procedure Code for grant of maintenance stood allowed by the learned Court below in the following terms:-

> "27. In view of my aforesaid discussion, the petition is hereby allowed and petitioner No.1 is awarded monthly maintenance allowance at the rate of Rs.5000/- and petitioner No.2 is awarded monthly maintenance allowance at the rate of Rs.3000/- from respondent and it shall be payable from the date of order."

3. Learned counsel for the petitioner argued that the order under challenge is not sustainable in the eyes of law for the reason that the learned Court below erred in not appreciating that there was no relationship of husband and wife between the parties. He submitted that in light of this fact, as the petition under Section 125 of the Criminal Procedure Code was not maintainable at all and as the learned Court below erred in not appreciating this fact, the present petition deserves to be allowed on this point alone. No other point was urged.

4. On the other hand, learned counsel for the respondents submitted that it stood substantiated from the record, as has also been held by the learned Court below also that the factum of the marriage between the parties and a son being borne out from the said wedlock was admitted by the present petitioner himself before the learned Court below, as such, contention of the petitioner that there was no marriage solemnized between him and Hema Rani is completely falsified. He further submitted that in light of the fact that the learned Court below had returned findings by holding that there was a marital relationship between the present petitioner and Hema Rani, which entitles the respondents herein for grant of maintenance under Section 125 of Code of Criminal Procedure and as these findings were clearly borne out from the record of the present case, the present petition deserves to be dismissed.

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5. We have heard learned counsel for the parties and have also carefully gone through the order under challenge as well as other documents placed on record.

6. The sole ground, on which, the order passed by the learned Court below stands assailed before us is that the learned Court below has erred in not appreciating that there was no marriage solemnized between the petitioner and Hema Rani so as to entitle her to seek any maintenance under Section 125 of the Criminal Procedure Code.

7. Paras 20 and 21 of the order passed by the learned Court below read as under:-

> "20. It is noted that though respondent has contended that his marriage has not taken place with petitioner No.1 as per Hindu rites and customs, but then his counsel has given suggestion to petitioner No.1 in cross-examination that out of this marriage with respondent, a son has been born to them on 06.08.2022 and this suggestion is admitted by petitioner No.1. Similarly, the counsel for respondent has also given suggestion to PW-2 Amarjeet Singh, who is father of petitioner No.1, that after the marriage petitioner No.1 stayed in her matrimonial house and this suggestion was also admitted. Such suggestion clearly shows that marriage between petitioner No.1 and respondent was solemnised and out of this wedlock, a son i.e. petitioner No.2 has been born.
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> 21. Apart from it, the petitioner No.1 has placed on record Marriage Certificate issued on 29.08.2022 by Sub-Registrar Bahanwin and it shows that her marriage with respondent has been registered on 24.08.2022. She has also placed on record one Certificate issued by Nyas Mata Mansan Devi Mandir, Shri Chamunda Nandikeshwar Dham Tehsil Dharamshala, District Kangra, H.P in which it is mentioned that marriage of petitioner No.1 is solemnized with respondent on 31.08.2021. Even petitioner No.1 has placed on record copy of parivar register issued by G.P Jhandwin Brahaman in which petitioner No.1 is entered as wife and petitioner No.2 is entered as son of respondent. Thus, it is amply proved from the aforesaid evidence that petitioner No.1 is legally wedded wife of respondent and petitioner No.2 is his son."

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8. From a perusal of the findings returned in this para, it is evident that in the course of cross-examination of the wife, there was a positive suggestion given by the learned counsel for the petitioner herein to her that though no marriage took place between them as per Hindu Rites and Customs, yet, a son was borne to them on 06.08.2022, which was admitted by the wife.

9. In other words, the suggestion which was given on behalf of the petitioner, herein to the wife was that despite there being no marriage solemnized between them as per Hindu Rites and Customs, yet, their relationship had culminated in the birth of a son. In light of this fact, as obviously, there was a relationship of a man and woman between the parties, it cannot be said that the learned Court below erred in granting maintenance in favour of the respondents herein.

10. A perusal of Para 20 of the order of learned Court below further demonstrates that even the father-in-law of the present petitioner was given a suggestion by the present petitioner's counsel before the learned Court below that after the marriage between the present petitioner and Hema Rani, she stayed in her matrimonial house and this suggestion was admitted by the father-in-law of the present petitioner, which also amounts to a positive suggestion being given to the father-in-law on behalf of the husband that after marriage was solemnized between the parties, the wife lived in the matrimonial house.

11. Accordingly, in light of the above findings, according to us, the contention of learned counsel for the petitioner, herein that the learned Court below erred in not appreciating that there was no relationship of husband and wife between the parties cannot be accepted . Paras 20 and 21 of the order passed by the learned Court below are self-speaking in this regard.

12. In light of the above observations, the present petition is dismissed. However, as prayed for by learned counsel for the petitioner, it is observed that the

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findings, which have been returned in the course of the adjudication of the present petition as also the findings which have been returned by the learned Court below in order dated 20.03.2026 shall be construed to have been passed only for the purpose of the adjudication of the respective petitions. Pending application(s), if any, shall also stand disposed of.

(Ajay Mohan Goel),
Judge

(Yogesh Jaswal),
Judge

October 05, 2026
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