



2026:AHC:24683

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6502 of 2025

Rakesh Kumar And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Monika Pal

Counsel for Opposite Party(s) : G.A., Rajesh Kumar Yadav

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Shri Monika Pal, learned counsel for the revisionist, Shri Rajesh Kumar Yadav, learned counsel for opposite party no. 2, and learned A.G.A. for the State, and perused the record.
2. The present criminal revision has been filed assailing the order dated 21.08.2025 passed by the learned Principal Judge, Family Court, Agra in Case No. 2238 of 2024, arising out of proceedings under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, whereby the application filed by the revisionists seeking maintenance from opposite party no. 2 has been rejected.
3. Learned counsel for the revisionists contended that the impugned order is illegal, arbitrary, and suffers from non-application of judicial mind. It was urged that the revisionists are old, illiterate, and indigent parents of the deceased, who were wholly dependent upon their sole son, late Pravesh Kumar, during his lifetime. It was further submitted that the marriage of the deceased with opposite party no. 2 was solemnized on 26.04.2016 and that he died on 31.03.2021. According to the revisionists,

opposite party no. 2 is employed as a Constable in the Uttar Pradesh Police, has sufficient independent income, and has also received all service and retiral benefits of the deceased. Emphasis was laid on the moral obligation of the daughter-in-law to maintain the aged parents-in-law, which, according to the revisionists, should be treated as a legal obligation.

4. Per contra, learned counsel for opposite party no. 2 opposed the revision and submitted that the order passed by the Family Court is strictly in accordance with law and does not warrant any interference by this Court.
5. Upon consideration of the rival submissions and on perusal of the record, it is an admitted position that the revisionists are the father-in-law and mother-in-law of opposite party no. 2.
6. It is well settled that the right to claim maintenance under Section 125 of the Code of Criminal Procedure, now corresponding provisions under the Bharatiya Nagarik Suraksha Sanhita, is a statutory right and is confined only to the categories of persons expressly mentioned therein. The legislature, in its wisdom, has not included parents-in-law within the ambit of the said provision. In other words, it is not the scheme of the legislature to fasten liability of maintenance upon a daughter-in-law towards her parents-in-law under the said provision.
7. In the present case, there is nothing on record to indicate that the employment secured by opposite party no. 2 was on compassionate grounds. The submission regarding succession to the property of the deceased also does not fall for consideration in proceedings under Section 125 Cr.P.C./corresponding provisions, as such issues are beyond the scope of summary maintenance proceedings.
8. The concept of moral obligation, howsoever compelling it

may appear, cannot be enforced as a legal obligation in the absence of a statutory mandate. Maintenance under the said provision can be claimed only by persons falling within the categories specifically enumerated therein.

9. In view of the above legal position, this Court finds no illegality, perversity, or infirmity in the order dated 21.08.2025 passed by the learned Principal Judge, Family Court, Agra. The criminal revision lacks merit and is accordingly **dismissed**.

February 4, 2026

pks

(Madan Pal Singh,J.)