

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.799 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Richa Singh, D/O-Jitednra Sharma Resident of B-1 (New), Electricity Board Colony, Near DAV School, Rajvanshi Nagar, P.S.- Shastrinagar, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Sharma, Son of Kailash Chandra Sharma Resident of House NO. 108, Galaxy Tower, Swarn Jayanti Nagar, P.S.- Quarsi, Distt.- Aligarh, Uttar Pradesh

... .. Respondent/s

with

CRIMINAL REVISION No. 311 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Jitendra Sharma, Son of Kailash Chandra Sharma Resident of House no. 108, Galaxy Tower, Swarn Jayanti Nagar, Ram Ghat Road, P.S.- Quarsi, District- Aligarh, Uttar Pradesh. Also resident of 113/22, Type 2nd, New Colony, Kasimpur, P.S.- Jawan, District- Aligarh Uttar Pradesh

... .. Petitioner/s

Versus

Richa Singh, Wife of Jitendra Sharma, Daughter of Sachindra Kishore Prasad Singh Resident of B-1 (New), Electricity Board Colony Near DAV School, Rajvanshi Nagar, PS- Shastri Nagar, District- Patna

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 799 of 2024)

For the Petitioner/s : Mr. Prince Kumar Mishra
For the Respondent/s : Mr. Chitranjan Sinha, Sr. Advocate
Mr. Ravi Bhardwaj, Advocate
For the State : Mr. Sunil Kumar Pandey, APP

(In CRIMINAL REVISION No. 311 of 2024)

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate
For the Respondent/s : Mr. Prince Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGMENT

Date : 05-05-2025

1. Cr. Revision No. 799 of 2024 and Cr.



Revision No. 311 of 2024 challenged the same order of interim maintenance, passed by the learned Principal Judge, Family Court at Patna in Maintenance Case No. 35(M) of 2020, whereby and whereunder, the learned Principal Judge, Family Court, granted interim maintenance in favour of the wife (Petitioner of Cr. Revision No. 799 of 2024) at the rate of Rs. 35,000/- per month along with one time litigation cost of Rs. 25,000/- within 6th day of each successive month from the date of the order, dated 6th of March, 2024. While the husband has challenged the said order of interim maintenance by filing Cr. Revision No. 311 of 2024 on the ground that he does not have financial capability to pay such huge amount of money to his wife as interim maintenance allowance, the wife/petitioner has filed another Criminal Revision registered as Cr. Revision No. 799 of 2024, claiming interim maintenance at higher rate than which has been passed by the learned Principal Judge.

Reg:- Cr. Rev. 799 of 2024

2. Brief fact of the case is that the marriage was solemnized between the Petitioner and Jitendra Sharma on



24th of February, 2012 as per Hindu rites and rituals and then the petitioner went to her matrimonial house, where she stayed for some days and thereafter, she went to Aligarh, Delhi, Gurugram and foreign countries, namely, South Korea, France and Singapore etc. along with her husband Jitendra Sharma. But subsequently, the Petitioner saw a drastic change in the behaviour of the her husband, who allegedly started torturing her. The Petitioner was subjected to physical, mental, verbal and emotional cruelty by her husband and his family members. Petitioner's family gave cash, gold jewellery, utensils, expensive clothes, customary and traditional gifts, donations etc., to the husband and his family during the marriage and on several occasions after the marriage. Despite this, they kept on demanding money to buy a flat in Delhi. After marriage, the husband and his family frequently demanded money. The petitioner was subjected to various forms of cruelties and tortures by her husband and his family members for non-fulfillment of dowry demands. For not conceding to their immoral demands and not being an ally in their illegal criminal activities, the



Petitioner was being insulted, abused and tortured by her husband and his family members not only privately but also in presence of the parents, relatives, friends of both parties and staff by saying that friends of her husband were given more dowry and gifts than him.

3. Since July 2018, the petitioner's husband has deserted her and stopped providing maintenance to her and also misappropriated the jewellery, money, gold and silver articles and goods of the petitioner causing wrongful loss to her. It is stated that after some dispute, generated between them, the petitioner has been ousted from his husband's home and, thereafter, she has been living separately without any assistance from her husband as maintenance since August, 2018.

4. Petitioner's husband is a man of means, is highly educated, is employed, and has the ability and capacity to maintain the petitioner. He is a graduate and done his B.Tech & M.Tech course from IIT, Delhi and has been working in a well-known, reputed oil company in France named 'TOTAL' since 2008. He has worked in this organization at different places of posting such as Yemen,



South Korea, Singapore, Paris, Angola etc. His initial salary was around Rs. 5 lakhs per month which had subsequently increased to Rs. 8-10 lakhs per month. Currently, the husband is running and is the sole owner of the company “Krish Originals” brand named “Hair Originals” which is valued approximately 70-80 crores. By his admission on National Television in January, 2022, he claimed to be drawing a monthly income of 7-8 lakhs. He has various other sources of income too. He has no liability to maintain anyone except the petitioner. The father of the husband is a retired government employee and receive a fixed amount of pension and rent from different rented properties. The mother of the husband is receiving rent approximately Rs. 50,000/- from the two flats in building number 104, Malviya Nagar, New Delhi which the husband of the petitioner transferred in his mother's name post he deserted the petitioner to alienate her rights in the said property as the said two flats were purchased post their marriage. Petitioners' parents were forced to give all the furniture for renovating the flat. The family income of the husband is around 15 lakhs per



month from various sources.

5. The petitioner's husband despite knowledge, deliberately avoided appearance in the Maintenance Case but kept on attending the criminal case lodged by the Petitioner. Petitioner's husband submitted to the Hon'ble High Court that he was ready to settle the dispute with the Petitioner and was granted anticipatory bail under the pretext of settling the dispute. But after he was granted bail in the criminal case, he avoided attending the mediation in the said maintenance case despite the Learned Principal Judge's order in the said maintenance case.

6. Currently, the husband is the sole owner of a company named "Krish Originals" brand name "Hair Originals" which is valued at approximately 70-80 crores. By his admission on National Television in January, 2022 (Shark Tank India- Sony TV), he claimed to be drawing a monthly income of 7-8 lakhs. He has various other sources of income too. As per their statement on their website "Kris Originals Private Limited" Headquartered in Gurgaon (Haryana, India), it is a leading Manufacturer



and Exporter of a wide range of “Hair Extensions”.

7. The petitioner is bringing on record the profile of the Company “Hair Originals”, in which OP No. 2 is the founder and CEO. It is stated that the Annual Revenue of the Company is Rs. 7.46 crores (Annexure P6 page 84). It is stated that OP No. 2 owns the majority shares of company “Hair Originals”. The Net Worth of OP No. 2 has been estimated to be 26 crores based on share value alone (Annexure P7 page 85). It is stated that OP No. 2 is the Founder and CEO of Hairs Original. Currently, it has around 96 employees.

8. At this stage, it is relevant to state that in the year 2022, OP No. 2 appeared in the Shark Tank India Program aired on Sony TV, in which he promoted his company. During the program, his company was evaluated as worth 30 crores. From this program, he received an amount of Rs. 60,00000 (which is 2% of equity).

9. It is further stated that recently OP No. 2 has garnered 2.75 million dollars for his Hair Extension Startup from a company. It can be seen that OP No. 2 is



the Founder and CEO of a Millionaire Company and leading an affluent and wealthy life.

10. The Learned Court below vide order dated 6th of March, 2024 directed to pay Rs. 35,000/- as an interim maintenance from the date of order.

11. Petitioner prays that the order is not in teeth of directions contained in case of *Rajnesh v. Neha*, reported in *(2021) 2 SCC 324*.

Reg:- Cr. Revision No. 311 of 2024

12. The petitioner comes before the Court invoking revisional jurisdiction of this Court, assailing the order, dated 06.03.2024, passed in Maintenance Case No. 35 (M) 2020, by the Principal Judge, Family Court, Patna, whereby and whereunder, the learned Court below directed the petitioner to pay to the opposite party Rs. 35,000/- as interim maintenance, commencing from the next month of the date of the order and further directed the petitioner to pay one-time litigation cost of Rs. 25,000/-.

12. The Petitioner claims that the averments made by the opposite party in her application for interim



maintenance contain false and baseless allegations made against the petitioner and his family members. The opposite party had some inferiority issues with the petitioner as well as his family. The father of the petitioner had retired as Office Clerk from Uttar Pradesh State Electricity Board while the father of the O.P. No. 2 was holding the post of a Director at the Bihar State Electricity Board. Therefore, there was a considerable difference in status and living standards of both parties.

13. The petitioner who comes from a middle-class family has passed his graduation from IIT and pursued his post-graduation thereafter. The opposite party i.e. wife had her graduation B.Tech in Computer Engineering from reputed MIT Pune College. In continuation of the above, it is stated by the Petitioner that the opposite party was too boastful about the financial position of her father as well as her family that at times it appeared that there was a sense of financial as well as status supremacy in her words and actions as compared to the petitioner's family.

14. The petitioner puts forth that he and his



family had been very much supportive of the desires of the opposite party. It was their support that helped the opposite party achieve great career success in her life post her marriage. The petitioner or his family had no qualms about pursuing her career goals and supported her throughout. But while the opposite party achieving success in her professional life, her responsibility towards husband and in-laws further diminished. The petitioner claims that she started casting aspersions on them and ridiculing them in front of the public at large including relatives and others. The petitioner was ridiculed for his looks. She had denied planning for a family as she was busy looking after her career in glamour world and planning a family would have virtually killed her ambitions.

15. Petitioner acceded to the idea mooted by her that she wanted to have her own independent business in which he had invested quite a hefty amount of approximately 30 lakhs.

16. Subsequently, she also became the Director of DAMESAI Pvt Ltd which organizes events where the



petitioner was asked to make investments which he agreed to. The opposite party i.e. wife happens to be the sole owner of DAMESAI OPC Pvt. Ltd. It is reliably learnt that this company is an event management company and had undertaken the work of organizing event, like Mrs. India in September, 2023.

17. It is further submitted that time and again the petitioner had also transferred the huge sum of rupees in the bank account of his mother-in-law which also gets fortified from the bank statements.

18. There are three flats about which the discussion has been made time and again. The Petitioner gives detail about all the three flats as below:

(i) The first flat i.e. Building No. 104 (1st Floor), Khirki Village, Malviya Nagar, New Delhi was bought by the petitioner out of his own source of income but is in the joint name of the parties. Presently, the opposite party is taking rent from the said flat.

(ii) The Second flat i.e. the one at Building No. 104 (3rd Floor), Khirki Village, Malviya Nagar, New Delhi was purchased by the father of the petitioner. The



rent of the same is also being received by the opposite party. She also has the entire papers of the said flat.

(iii) The third flat i.e. the one T3, Satpula Apartment, Khirki Village, Malviya Nagar, New Delhi was purchased by the petitioner from his own earnings. This was purchased by him in the name of his wife i.e. the opposite party herein. Further, the rent of this flat is being received by the opposite party.

20. The petitioner also purchased another flat jointly in his name and in the name of his wife i.e. Building no. 104 (1st Floor), Khirki Village, Malviya Nagar, New Delhi, which is admittedly under the control and possession of his wife. He also is paying EMI of Rs. 18,000/- per month for a flat in Noida but since the builder was declared bankrupt, the possession of the same has not been given to the petitioner and he is only paying EMI for the same till date. Petitioner is presently residing on rented premises while the opposite party no. 2 is still enjoying the benefits of rental income. Petitioner has to pay the rental income after getting help from his parents who are also staying with him on account of their falling



health. The petitioner is required to pay approximately Rs. 8,000/- p.m. on his medicines. He is also paying rent and other expenses, taking help from his parents.

21. Petitioner claims that there is nothing on record to show that the opposite party is not able to maintain herself which is the mandate of law as per Section 125 Cr.P.C. and hence the claim of interim maintenance ought to be rejected.

22. I have heard the learned Advocate for the petitioners in both the Criminal Revisions and perused entire materials on record filed by the parties.

23. Both the parties have filed series of documents in support of their respective claim.

24. It is pertinent to record that the parties are highly educated. They belong to high strata of social and economic status. Father of the wife was a Director of Bihar State Electricity Board. She completed her B.Tech in Computer Science from MIT, Pune. She also participated in Mrs. India Beauty presents in the year 2014. As per the social media report, Mrs. Richa Singh is the visionary founder of “She is India” that stood as a



guiding light, embodying empowerment and change. In 8th Edition of Mrs. India, She is India, 2023 contest, personalities like Kunal Kapoor, Actor and Founder of Ketto; Dr. Swapna Misra, Director at Fortis and the first certified international Robotic Gynecological Surgeon; Noyanita Lodh, Miss Universe India, 2015; Bhumika Bahl, Make-up Expert; and Rachel Gupta, Miss Super talent of the World 2022 are in the panel of Judges. Apart from the above personalities, Richa Singh herself was also in the panel.

25. It is contended by Jitendra Sharma, husband of the petitioner, that while working as such, Richa earns huge amount of money from the glamour world.

26. Moreover, Richa Singh is the Director of a private company under the name and style of DAMESAI OPC Pvt. Ltd., in which her husband deposited huge amount of approximately Rs. 30,00,000/-. She has been running the said company which earns considerable profit to her.

27. It is also contended by the husband that he purchased three flats, first flat i.e. Building No. 104 (1st



Floor), Khirki Village, Malviya Nagar, New Delhi; second flat i.e. Building No. 104 (3rd Floor), Khirki Village, Malviya Nagar, New Delhi; and the third flat i.e. T3, Satpula Apartment, Khirki Village, Malviya Nagar, New Delhi, but presently the said flats are possessed by his wife and she collects rent from the tenants of the said three flats.

28. In Cr. Revision No. 799 of 2024, it is pleaded by the wife / petitioner, that Jitendra Sharma, her husband, completed his B.Tech and M.Tech degree course from IIT Delhi. He was working in a well known reputed oil company of France, named “TOTAL” since 2008. He was posted in different places, such as Yemen, South Korea, Singapore, Paris, Angola etc. He used to earn Rs. 8 to 10 lakhs per month from his salary. Subsequently, he left his job and started a company under the name and style of “Kris Originals” brand name “Hair Originals” having its capital approximately of 70-80 crores. It is further pleaded by the petitioner that Jitendra Sharma admitted in January, 2022 (Shark Tank India-Sony TV) on National Television that he earns a monthly income of 7-8



lakhs. The father-in-law of Richa Singh is a retired government employee and receives pension at the rate of Rs. 75,000/- per month approximately. He is also a Director of “Kris Originals”. He also earns considerable amount of money from his medical business at Aligarh in the State of Uttar Pradesh. Her mother-in-law receives rent of Rs. 50,000/- per month approximately from the tenants of two flats in Building No. 104 Malviya Nagar, New Delhi. Therefore, husband of Richa Singh does not have any liability to maintain his parents.

29. It is also contended by Mrs. Richa Singh that she has no fixed income. Occasionally, she organizes some programme as event manager but her earning as event manager is not sufficient to maintain herself. She also compelled to close the business of DAMESAI OPC Pvt. Ltd., because of the fact that the said company was running in loss. She does not have any employment though she possess B.Tech degree in Computer Science from Pune, MIT. In order to earn her livelihood, she is now pursuing LLB from Patna Law University. On the other hand, the annual revenue of “Hair Originals



Company” as on 31st of March, 2023 was Rs. 7.46 crores. Net worth of the husband of Richa Singh as founder of “Kris Original Private Limited” is Rs. 26 crores.

30. Jitendra Sharma, husband of the petitioner, on the other hand, claims that he only earns Rs. 65,000/- per month as salary from his company. He does not have any means to maintain his wife as per her claim.

31. On the basis of the pleadings aforesaid and the documents filed by the parties, while the wife has claimed enhancement of interim maintenance allowance, the husband pleaded that he does not have the capacity to pay even Rs. 35,000/- per month to the petitioner.

32. I have heard the learned Advocates for the parties. I have also perused the material documents filed by the parties in their respective petitions and duly considered the said documents.

33. It is needless to say that the Judicial Magistrates are empowered to grant interim maintenance when they were giving to statutory power under the Court of Criminal Procedure (Amendment) Act, 2001. By virtue of the said amendment express provision has been made



that pending hearing of the main petition for maintenance, the Court has power to award interim maintenance by virtue of proviso to sub-section (1) of Section 125 of the CrPC which reads as follows:-

“Provided further that the Magistrate may, during pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct.”

34. Thus, introduction of the provision of interim maintenance in the statute is in order to make a provisional arrangement for the persons who are in distress and financial hardships pending financial adjudication of the maintenance allowance.

35. It is needless to say that an application for interim maintenance is decided on the basis of statement made on affidavits by the parties. Whatever may be the quantum of interim maintenance, final order of



maintenance allowance shall only be passed on the basis of the application under Section 125 of the CrPC, written objection thereof, evidence adduced by the parties in support of their respective cases and affidavits of assets and liabilities to be filed by the parties as per the direction by the Hon'ble Supreme Court in *Rajnish v. Neha*, reported in (2021) 2 SCC 324

36. Thus, interim maintenance is to enable and facilitate the applicant to maintain her/his life during the pendency of the proceeding under Section 125 of the CrPC.

37. Bearing above-mentioned object of grant of interim maintenance, this Court feels necessary to mention that parties to the revisional applications in hand are not poverty stricken husband and wife nor are they belonging to a middle-class family. On the contrary, both the parties are coming from higher strata of the society. The Opposite party of the Criminal Revision No. 799 of 2024 and also the petitioner of Criminal Revision No. 311 of 2024 is the founder CEO of a company, having yearly turnover of Rs. 60-70 crores. Prior to incorporation



of the company, it is ascertained from his own statement that he used to earn Rs. 8 to 10 lakhs per month while working in multi-national company at different places outside the country. In Criminal Revision No. 311 of 2024, he pleaded that as a CEO of the company, he gets monthly salary of Rs. 65,000/- only. This Court is not in a position to accept such submission made on behalf of the opposite party/husband.

38. On the other hand, also, this Court finds that the petitioner/wife is highly educated and completed her B.Tech Degree in Computer Science from MIT Pune. Though, she has claimed that she has no income, she is capable of earning money working as a Computer Engineer or similar other job. However, she did not choose to work as an expert in computer science but has chosen to work in glamour world. She participated in Mrs. India Beauty Presents in the year 2014. Subsequently, she has established an organization under the name and style of "She is India" and has been conducting Beauty Presents for some years. At this stage, no document is forthcoming before this Court to come to a finding as to



whether the work of the said organization is *pro bono* or she earns some money by performing the work of event management. It appears from the record that the organization of the petitioner/wife organized event Mrs. India Beauty Present in 2023. The petitioner/wife has not stated clearly in her pleadings as to whether she is earning money by organizing those events and if so, what is the amount? The petitioner/wife is also a Director of DAMESAI OPC Pvt. Ltd. Nothing is forthcoming about the nature of the business of the company but the petitioner has submitted income-tax return of the said company to prove that the said company was running in loss and she was compelled to close the said company.

39. The opposite party/husband, on the other hand, states that the petitioner receives rent from the tenants, occupying two flats of the opposite party/husband in Delhi. The petitioner/wife has refuted such statements saying that her father-in-law disconnected the electricity of the said two flats and illegally evicted the tenants and kept the said flats under lock and key.

40. This issue can only be adjudicated on the



basis of evidence that may be adduced by the parties and their witnesses at the time of final hearing of the application under Section 125 of the CrPC. At this stage of disposal of interim maintenance, the Court cannot decide such issue on the basis of contradictory affidavits filed by the parties.

41. The trial court has granted interim maintenance allowance at the rate of Rs. 35,000/- per month in favour of the petitioner/wife. I have already stated that the said amount of interim maintenance is a provisional relief pending final disposal of the application under Section 125 of the CrPC. Even if this Court accepts that the petitioner has no source of income at present, this Court is of the view that a sum of Rs. 35,000/- per month is quite sufficient to live a decent life of one lady in the State of Bihar.

42. For the reasons stated above, I do not find any reason to interfere with the order, dated 06th March, 2024, passed by the learned Principal Judge, Family Court at Patna in Maintenance Case No. 35(M) of 2020.

43. Accordingly, both the revisional applications



are dismissed on contest.

44. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

skm/-

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