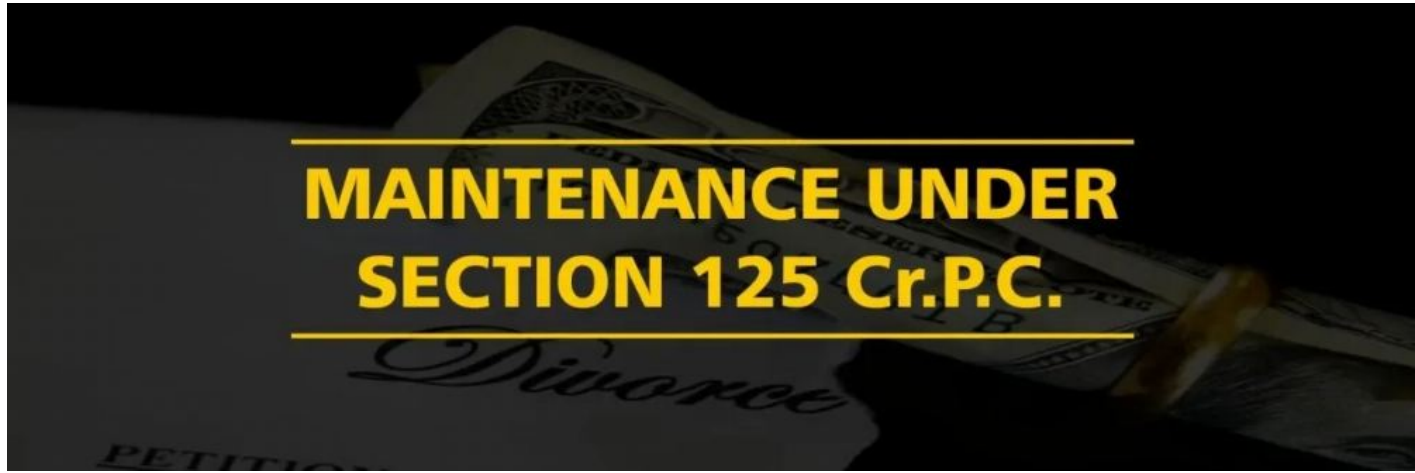


What is Section 125 of the Criminal Procedure Code (CrPC)?

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MAINTENANCE UNDER SECTION 125 Cr.P.C.

About Section 125 of the Criminal Procedure Code (CrPC)

- It deals with the maintenance of wives, children, and parents.
- It is a legal provision that allows certain categories of individuals to claim financial support from their spouses or children, as the case may be, in the event they are unable to maintain themselves.
- Who Can Claim Maintenance?
 - Wife: A wife who is unable to maintain herself can claim maintenance from her husband. The wife is entitled to maintenance if she is unable to support herself. The word “wife” refers to a woman who has been divorced or sought divorce from her spouse and has not remarried.
 - Children: Children, whether legitimate or illegitimate, who are unable to maintain themselves and are below a certain age or mentally/physically disabled can claim maintenance from their parents.
 - Parents: Under this, both father and mother are entitled to be maintained equally by son and daughter, but the court must be satisfied that the daughter has the means to support herself. Parents also include “Adoptive father” and “Adoptive mother.”
- To successfully claim maintenance under Section 125 CrPC, certain conditions must be met:
 - Neglect or Refusal: The person seeking maintenance must demonstrate that the respondent (the person from whom maintenance is sought) has neglected or refused to provide financial support.
 - Dependency: The claimant must establish their inability to maintain themselves and their dependency on the respondent for financial assistance.
 - Sufficient Means: The person from whom maintenance is claimed must have sufficient means to maintain the person claiming.

- **Quantum of Maintenance:** The court will determine the amount of maintenance based on various factors like the income and financial capacity of the person liable to pay, the needs of the claimant, and other relevant circumstances. The objective is to ensure that the claimant gets a reasonable and fair amount for their maintenance.
 - **Duration:** Maintenance can be awarded on a monthly basis, and the court can specify a duration for which it should be paid. It can be a temporary or permanent arrangement, depending on the circumstances.
 - **Enforcement:** If the person ordered to pay maintenance does not comply with the court's order, the person seeking maintenance can file an application for the enforcement of the order. The defaulter may face legal consequences for non-compliance.
 - The wife is not entitled to receive an allowance from her husband in three cases,
 - if she is living in adultery
 - if she refuses to live with her husband and without any sufficient cause
 - if they are living separately by mutual consent
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Q1) What is the Criminal Procedure Code (CrPC)?

Enacted in 1973 (came into force on 1 April 1974), CrPC is the main legislation on procedure for administration of substantive criminal law in India. It provides a procedure for the investigation of crime, the collection of evidence, and the determination of guilt or innocence. The CrPC also covers the arrest and detention of suspects, the conduct of trials, and the sentencing of convicted individuals.

Source: [Muslim Women \(Protection Of Rights On Divorce\) Act Or S. 125 CrPC? SC To Decide On Divorced Muslim Women's Right To Maintenance](#)

Source: <https://vajiramandravi.com/current-affairs/section-125-crpc/>

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