



2026:CGHC:37154



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 100 of 2026

Smt. Shweta Singh W/o Mukesh Singh, Aged About 34 Years, Present Address - Qr.No. 1/E, Road No. 16, Sector 07, H.S.C.L. Ward 49, Bhilai, District Durg (C.G.)

... Applicant

versus

Mukesh Singh S/o Late Harendra Pratap Singh, Aged About 38 Years R/o H.S.C.L. Colony, 78/D, Ruwabadha Sector, Bhilai, Police Station Nevai, District Durg (C.G.)

... Respondent

For Applicant : Mr. Jitendra Gupta, Advocate.

For Respondent : Mr. Praveen Dhurandhar, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

19.08.2026

1. Heard Mr. Jitendra Gupta, learned counsel, appearing for the applicant. Also heard Mr. Praveen Dhurandhar, learned counsel appearing for the respondent.
2. The present revision has been filed by the applicant with the following prayer:

"It is, therefore, prayed that this Hon'ble court may kindly be pleased to allow the instant revision and set aside the order dated 08/12/2025 (Annexure A-1),



and pass the suitable direction to pay the maintenance amount in the tune of Rs. 10,000/-Per month and Rs. 5000/- as suit expenses, in the interest of justice.”

3. The brief facts of the case are that the applicant has preferred the instant revision against the order dated 08/12/2025, whereby the learned Family Court has not considered the application preferred by the applicant for grant of the maintenance amount awarded under Section 125 of the Cr.P.C. The applicant and the respondent are legally wedded husband and wife, and their marriage was solemnized on 21/05/2017 as per Hindu rites and customs at Sector 07, Bhilai, District Durg (C.G.). According to the application filed under Section 125 of the Cr.P.C. by the applicant, the applicant had entered into a second marriage with the respondent after her first marriage was dissolved on 20/09/2016. After 2–3 months of the marriage, it is alleged that the mother and sister of the respondent started ill-treating the applicant and demanding money and jewellery from her on the instigation of the respondent. Further, when the applicant informed the respondent about the aforesaid incidents, the respondent, in turn, abused and assaulted the applicant. At the time of the marriage, the family of the applicant had given an amount of Rs. 50,000/- to the family of the respondent for their happy married life. Despite the same, the respondent and his family members regularly ill-treated the applicant and ultimately dragged her out of the matrimonial house. On 12/11/2018, the applicant lodged a report at Mahila Thana, where counselling was conducted and the respondent promised to take the applicant back to the matrimonial home. However, the respondent did not take the applicant back to his home. Consequently, the applicant again lodged a report at Mahila Thana, and on 11/06/2022, an FIR was registered against the respondent, his mother and sister for the offences



punishable under Sections 498-A and 34 of the IPC. The respondent had preferred a divorce petition on 18/02/2021, which is still pending. The applicant, being a housewife, is unable to maintain herself, whereas the respondent is earning approximately Rs. 35,000/- per month from his employment at BTI College, Durg. Hence, the respondent is a resourceful person. Therefore, the application preferred by the applicant may kindly be allowed, and maintenance of Rs. 10,000/- per month may kindly be awarded in her favour. It was further prayed that an amount of Rs. 5,000/- towards litigation expenses be directed to be paid by the respondent.

4. The respondent, in his reply, has averred that after the marriage, the applicant, under the pretext of having influence through her brother, used to show her power and threaten the respondent with implication in a false case, due to which the respondent and his family members were always under fear and terror. It is further submitted that the applicant had not disclosed the fact regarding the dissolution of her first marriage, and the respondent came to know about the said fact only after some days of the marriage. The applicant started abusing the respondent and picking up quarrels over petty issues and also threatened to kill him. The applicant pressurized the respondent to live separately from his family. The applicant used to attend English-speaking classes, and when the respondent returned home after his work, the applicant, after returning from her classes, would start quarrelling with him. It is further submitted that on 21/09/2018, when the applicant and respondent were at home, the parents of the applicant, while abusing the respondent, assaulted him and took the applicant to her parental home. On 03/11/2018, the respondent lodged a written report before the Superintendent of Police, Durg, regarding the said incident. It is further submitted by the



respondent in his reply that the brother of the applicant had threatened the husband and in-laws of the respondent's sister at her matrimonial house. It is also submitted that the applicant is a well-educated woman holding degrees in M.A., B.Ed. and PGDCA and is residing at her parental home without any sufficient reason and of her own free will. The respondent, on several occasions, tried to restore the conjugal and marital relationship, however, the applicant was not ready and willing to live with the respondent. Therefore, the respondent prayed for rejection of the application for grant of maintenance.

5. After receiving the application and reply, the learned Family Court framed the issues and recorded the statements of the parties.
6. After taking into consideration the statements of the parties and other materials available on record, the learned Family Court came to the conclusion that the applicant had failed to prove her case under Section 125 of the Cr.P.C. and, accordingly, rejected the application.
7. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is bad in law, improper, unreasonable, and contrary to the facts and circumstances of the case. He submits that the learned Family Court had awarded an amount of Rs. 2,000/- per month as interim maintenance to the applicant with effect from 06/09/2022, keeping in view the facts disclosed in the affidavits filed by the parties in compliance with the judgment of the Hon'ble Supreme Court in *Rajnesh Vs. Neha*, (2021) 2 SCC 324. He also submits that the learned Family Court has failed to consider the counselling proceedings and the complaints lodged by the applicant while rejecting the application preferred under Section 125 of the Cr.P.C. The learned Family Court has failed to take into consideration the fact that the applicant is the legally wedded wife of the respondent and that the respondent is legally and



morally bound to maintain his wife/applicant.

8. On the other hand, learned counsel appearing for the respondent opposes the prayer made on behalf of the applicant and submits that, vide order dated 04.07.2026 passed by the learned Family Court, Durg, in Civil Suit No. 243 of 2021, the marriage between the applicant and the respondent has already been dissolved by a decree of divorce.
9. I have heard learned counsel for the parties and perused the judgment of the learned Family Court.
10. From a perusal of the impugned order, it transpires that the learned Family Court, after duly considering the pleadings, documents, and evidence adduced by the parties, rejected the application filed by the applicant under Section 125 of the BNSS, observing that the applicant had failed to establish that she was residing separately from the respondent for any sufficient or justifiable cause. Moreover, vide order dated 04.07.2026 passed by the learned Family Court, Durg, in Civil Suit No. 243 of 2021, the marriage between the applicant and the respondent has already been dissolved by a decree of divorce.
11. Considering the submission advanced by the learned counsel for the parties and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the learned Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
12. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice