



2026:CGHC:3971

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 46 of 2023**

Chandan Sengupta S/o Asim Kumar Sengupta Aged About 38 Years R/o 10/1910, Shri Balaji Nagar, Shrivnandan Nagar, Khamtarai, Behind Ganesh Mandir Road, Landmark Near Bank Of Baroda ATM Raipur, District - Raipur Chhattisgarh

... Applicant**versus**

Dr. Namrata Bhattacharya D/o Shri Sujit Kumar Bhattacharya Aged About 32 Years R/o B-5, Mahesh Colony, District Durg Chhattisgarh (Now At Present Q.No. 5-D, Street -7, Sector 4 Bhilai, District - Durg)

... Respondent

For Applicant	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent	: Ms. Madhulika Jha, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22.01.2026**

1. This Criminal Revision is being aggrieved of the judgment dated 13.12.2022 passed by the learned Principal Judge, Family Court, Durg, District - Durg, (C.G.) in MJC No. 539/2021, whereby the learned Family Court partly allowed the application under Section 125 of the CrPC filed by the respondent, and directed the applicant/husband that he has to pay the amount of Rs.15,800/- per month to the respondent/wife.
2. The facts, in brief, is that the respondent-wife filed an application under Section 125 of the Code of Criminal Procedure, 1973, pleading that she came into contact with the applicant-husband through the "Bharat

Matrimony” website, wherein the applicant represented himself as a Bengali Brahmin earning a monthly salary of Rs. 2,00,000/- while working in a private firm in Mumbai. Thereafter, their marriage was fixed. The father of the respondent was working as an officer in the E-3 grade at Bhilai Steel Plant, Bhilai, District Durg. It was stated that the applicant’s family expressed that they did not want any dowry but insisted that the marriage be performed in a reputed hotel. Accordingly, the respondent’s father booked “Hotel Grand Dillon” situated at Nehru Nagar, Bhilai, and also arranged ten cars for transportation of the applicant’s guests. It was further pleaded that after the marriage, the respondent proceeded to Raipur on 01.06.2019 and reached her matrimonial home at about 12:30 PM. The behaviour of the applicant and his mother was allegedly improper. They allegedly demanded Rs. 10,00,000/-, a television, refrigerator, air conditioner, and furniture. The sister-in-law (Jethani), who had come from Mumbai, allegedly complained that the house was small and lacked air conditioning. Thereafter, the brother-in-law (Jeth), sister-in-law (Jethani), her husband, and the mother-in-law allegedly started quarreling. It was further alleged that the respondent was not given food that night. When she went to her room, her mother-in-law allegedly lay between her and her husband and stated that the respondent would not be permitted to establish physical relations until she brought dowry from her parental home. It was also alleged that on the next day, a “Bhav Bhat” ceremony was organized, during which the Jethani loudly quarreled with the applicant and his mother and thereafter returned to Mumbai. The respondent allegedly called her parents and returned to Bhilai on 03.06.2019. It was further alleged that the applicant never made any effort to take the respondent back to the matrimonial home and that all ornaments and articles received by her at the time of marriage were

retained by the applicant. The respondent further alleged that the applicant had a suspicious relationship with a neighbouring lady whom he referred to as “Bhabhi.” It was also stated that the applicant and his mother used to visit her parental home and quarrel, due to which the respondent started residing in a rented accommodation. The respondent further pleaded that the applicant was earning Rs. 2,00,000/- per month, whereas she was unable to maintain herself. She prayed for grant of maintenance of Rs. 50,000/- per month, Rs. 10,000/- towards rent, and for directions to the applicant and his mother to return Rs. 10,00,000/- allegedly spent by her father at the time of marriage.

3. The applicant–husband filed a reply denying all the allegations. He stated that on 02.06.2019, a reception party was organized from his side at Hotel Vennington Court, Raipur, and a room was booked for the couple. The respondent allegedly stated that she was unwell and that she had to appear in her B.A. Psychology examination on 04.06.2019 and wished to take rest. Accordingly, as per her request, the applicant dropped her at Bhilai on the morning of 03.06.2019. The applicant’s mother also left for Mumbai on an evening flight along with the respondent’s Jethani. It was contended that the allegation of the respondent that she called her parents and returned to Bhilai on 03.06.2019 was incorrect. It was further stated that the respondent had gone to Bhilai for her examination on 04.06.2019 and that the applicant’s mother had already left for Mumbai, rendering the allegation of finding the applicant in a compromising position with another woman on 04.06.2019 false. It was further stated that the respondent informed the applicant that she had a tumour in her abdomen and lacked funds as her father was retired. The applicant took the respondent to Chennai by flight on 12.09.2019 and paid medical expenses amounting to Rs. 92,741/- for her operation. After the operation,

they stayed in a hotel and thereafter returned to Bhilai by flight, incurring additional expenses of Rs. 26,820/-. The applicant further stated that he used to transfer money to the respondent's bank account from time to time. The applicant further stated that he visited the respondent's residence on 20.03.2020 at the request of her father. However, during the lockdown period, the respondent did not return to the applicant and neglected him without any reasonable cause. It was further alleged that the respondent used to take money from the applicant in the name of her father's medical treatment both before and after marriage. The applicant claimed that the respondent is a doctor earning Rs. 60,000–70,000/- per month and is therefore not entitled to maintenance. The applicant prayed for dismissal of the application. Before the Family Court, the respondent examined herself, whereas the applicant examined himself and one Latoo Chandravanshi on his behalf. After hearing the parties, the learned Principal Judge, Family Court, Durg, partly allowed the application and awarded maintenance of Rs. 15,800/- per month to the respondent from the date of the application.

4. Learned counsel appearing for the applicant submits that the learned Family Court committed a serious illegality and material irregularity in failing to consider the undisputed fact that the respondent–wife stayed in the matrimonial home for only one night after the marriage and thereafter left on her own accord. The learned Court further failed to appreciate that the respondent–wife did not permit the applicant–husband to establish any physical or marital relationship, which clearly demonstrates her unwillingness to cohabit with the applicant. The learned Family Court committed an illegality in holding the applicant liable to pay maintenance without appreciating that there was no neglect or refusal on the part of the applicant to maintain the respondent–wife. On the contrary, the applicant

had always been willing to keep and maintain the respondent, and had made sincere efforts to resume cohabitation, which were ignored by the learned Court. The learned Family Court failed to consider that the respondent-wife was living separately from the applicant voluntarily and without any reasonable or sufficient cause. In such circumstances, the respondent-wife is not entitled to claim maintenance under Section 125 of the Code of Criminal Procedure, as voluntary desertion by the wife bars entitlement to maintenance. The learned Family Court committed a further illegality in awarding an excessive and disproportionate amount of maintenance to the respondent-wife, without proper appreciation of the applicant's actual income, liabilities, and financial responsibilities. The quantum of maintenance awarded is on the higher side and unsustainable in law, rendering the impugned order arbitrary and liable to be set aside.

5. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
6. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
7. Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, and considering the conditions of both the parties, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.

8. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order as well as original record of this case be sent to the concerned trial Court for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

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