



2026:CGHC:3969



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 97 of 2023

Somesh Das Vaishnav S/o Mahadev Vaishnav, Aged About 40 Years, R/o Village Bagouda, P.S. and Tahsil - Dabhra, District - Janjgir- Champa (C.G.)

... Applicant

versus

Smt. Radhika Vaishnav W/o Somesh Das Vaishnav Aged About 30 Years R/o Village Bagouda, P.S. and Tahsil - Dabhra, District - Janjgir-Champa, (C.G.), At Present Residing Along With Her Father Namely Maheshwar Das Vaishnav R/o Village Kharpridih, Tahsil - Bhilaigarh, District - Balodabazar-Bhatapara (C.G.)

... Respondent

For Applicant	: Mr. Mirza Kaisher Beg, Advocate.
For Respondent	: None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

1. This Criminal Revision is being aggrieved of the judgment dated 20.10.2022 passed by the learned Family Court, Balodabazar, District – District - Balodabazar-Bhatapara (C.G.) in Miscellaneous Criminal Case No. 167/2021, whereby the learned Family Court has partly allowed the application under Section 125 of the CrPC filed by the respondent, and ordered the applicant/husband that he has to pay the amount of Rs.2,000/- per month to the respondent per month.
2. The facts, in brief, is that it is an undisputed fact that both parties are Hindus and that they were married on 17.04.2019 at Village Khaparidih (Bilaigarh), District Balodabazar, by observing all customs prevalent in



the Hindu community. It was disclosed by the respondent/wife that she had informed the revision applicant about the behaviour and conduct of his father, Mahadev, towards her. Despite this, she was compelled to continue living in the matrimonial home under the control of the petitioner's father. It is further alleged that the mother of the revision petitioner, along with the applicant himself, started harassing the respondent, due to which her health deteriorated. The respondent/wife also stated that her husband frequently quarreled with her, supported his mother, and demanded that she hand over all the ornaments she was wearing, which were subsequently given to his mother. Owing to continuous harassment, the health of the respondent worsened. The revision applicant would often leave the respondent at her parental home in Village Khaparidih. Whenever she returned to her matrimonial home at Village Bagoud, the father of the revision applicant allegedly instructed her not to allow her parents or relatives to visit the matrimonial home. In this manner, the revision applicant and his family members continuously subjected the respondent to physical and mental harassment, including ill-treatment, as a result of which she became seriously unwell and incapable of performing household work.

3. In response to the application filed by the respondent/wife, the revision applicant denied the marriage solemnized at Khaparidih on 17.04.2019 and denied all allegations made against him. He further contended that the respondent/wife was previously married to Jitendra Kumar Vaishnav, son of Ishwar Das Vaishnav, resident of Village Nayapara, Police Station Nandghat, District Bemetara (C.G.), and that the said marriage had not yet been dissolved. He also claimed that his own marriage was solemnized with Nisha Vaishnav, resident of Pavani, Police Station Bilaigarh, and that his first wife is still alive. The revision applicant further



stated that the respondent/wife was unwilling to live with his parents and insisted on living in a rented house, which he refused. He alleged that the respondent/wife threatened to implicate him in false cases and was residing at her parental home without any sufficient cause. When the revision applicant went to bring her back, he was allegedly assaulted by the respondent/wife, her brother, uncle, father, and other persons, following which he lodged a report at the police station. He further submitted that he is a labourer facing financial hardship and is unable to pay the maintenance amount claimed by the respondent/wife in the application filed before the learned Court at Balodabazar. Hence, the present criminal revision has been filed on the grounds stated hereinabove.

4. Learned counsel appearing for the applicant submits that the impugned order dated 20.10.2022 passed in Miscellaneous Criminal Case No. 167/2021 is illegal, incorrect, and therefore liable to be set aside. The learned Family Judge failed to consider the reply filed by the revision petitioner before the Family Court, Balodabazar, wherein he categorically denied all allegations of harassment levelled by the respondent/wife against him and his parents. On the contrary, it was specifically contended that the respondent/wife and her family members were habitually quarrelsome and had assaulted the respondent/husband, in respect of which a report was duly lodged at the concerned Police Station. It was further contended that the revision petitioner denied having married the respondent/wife and stated that he was legally married to Nisha Vaishnav, resident of Pavni, Police Station Bilaigarh, in accordance with the customs prevalent in the Hindu community, and that the said marriage subsists as it has not been dissolved by any decree of divorce. It was also pleaded that the respondent/wife had refused to live with the



parents of the respondent/husband and insisted on living in a rented accommodation, and further threatened to implicate the revision petitioner in false criminal cases. The learned Family Court also failed to consider the evidence adduced during the course of trial and, without proper appreciation of facts and law, arbitrarily passed the impugned order dated 20.10.2022 against the revision petitioner, which is wholly illegal and unsustainable in the eyes of law. Therefore, it is respectfully prayed that the revision petition filed by the respondent/husband be allowed and the impugned order dated 20.10.2022 passed by the learned Family Judge, Balodabazar-Bhatapara be set aside. Further, as the respondent/husband is not in a financial position to pay maintenance, the direction to pay maintenance of Rs. 2,000/- per month be also quashed.

5. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
6. Considering the submissions advanced by the learned counsel for the applicant, 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.
7. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
8. Let the certified of the this order as well as original record be transmitted to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice