



2026:CGHC:3970



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 86 of 2023

Sanjay Sahu S/o Surajmani Sahu Aged About 35 Years R/o Village Mahabirpur, Tahsil Surajpur, District – Surajpur, Chhattisgarh.

... Applicant

versus

1. Pritilata Sahu W/o Sanjay Sahu Aged About 29 Years R/o Village Digma Police Station Ambikapur, Tahsil Ambikapur, District - Surguja Chhattisgarh
2. Mahi Sahu D/o Sanjay Sahu Aged About 6 Years Through Natural Guardian Mother Namely Pritilata Sahu. R/o Village Digma Police Station Ambikapur, Tahsil Ambikapur, District – Surguja, Chhattisgarh

... Respondents

For Applicant	: Mr. Anurag Singh, Advocate.
For Respondents	: Mr. Amarnath Pandey, 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 28.07.2021 passed by the learned Judge, Family Court, Ambikapur, District - Surguja, (C.G.) in Misc. Criminal Case No. 65/2016, whereby the learned Family Court partly allowed the application under Section 125 of the CrPC filed by the respondents, and directed the applicant/husband that he has to pay the amount of Rs.4,000/- per month to the respondent No.1 and Rs. 4,000/- per month to respondent No.2.
2. The facts, in brief, is that the respondents filed an application under



Section 125 of the Code of Criminal Procedure before the Family Court, Ambikapur, District Surguja (C.G.), inter alia on the ground that the applicant and respondent No.1 were in a relationship and subsequently married on 08.07.2008 at Van Devi Mandir, Sanbar, Ambikapur, according to Hindu rites and rituals. Out of the said wedlock, respondent No.2 was born. It was averred that soon after the birth of the child, the behaviour of the applicant changed towards the respondents and that he started demanding dowry from respondent No.1. Respondent No.1 allegedly arranged money from her parents and paid the same to the applicant; however, despite fulfilment of the demand, the applicant continued to demand more money and subjected respondent No.1 to harassment. It was further averred that the applicant was having an extra-marital affair with one Febiliya and that he used to assault respondent No.1. On 28.07.2014, the applicant allegedly ousted the respondents from his house, compelling them to reside at the parental home, pursuant to which an FIR was lodged against the applicant at Police Station Jainagar for the offence under Section 498-A of the Indian Penal Code. It was further alleged that the applicant was not providing any financial support to the respondents and that respondent No.1 was unemployed and had no source of income. On these grounds, maintenance to the tune of Rs. 15,000/- per month was claimed.

3. The applicant filed a reply to the said application, denying all averments made therein. It was alleged that respondent No.1 had forcefully established a physical relationship with the applicant, and as a result of the said illegal relationship, respondent No.2 was born. It was further alleged that no marriage had ever taken place between the applicant and respondent No.1 and that the FIR was lodged only to harass the applicant. Since no marriage existed, there was no occasion for any



demand of dowry. It was also alleged that respondent No.1 had an illicit relationship with one Manoj Gupta prior to the alleged marriage and, thereafter, with one Sunil Kushwaha, with whom she is presently residing. The applicant stated that he earns only Rs. 21,000/- per month and is required to maintain his aged parents. It was contended that, in the absence of a valid marriage, the respondents are not entitled to any maintenance. The learned Family Court, after evaluating the evidence and material available on record, by the impugned order, granted maintenance of Rs. 8,000/- per month (Rs. 4,000/- each) in favour of the respondents. It is pertinent to mention that an FIR was registered against the applicant for the offence under Section 498-A of the IPC, in which the applicant was acquitted by judgment dated 02.09.2021. The learned JMFC, Surajpur, District Surajpur (C.G.), recorded categorical findings in paragraphs 12 and 25 of the said judgment that the alleged marriage between the applicant and respondent No.1 was suspicious and that no cogent evidence was produced to establish that the marriage had in fact taken place. The findings recorded by the learned JMFC, Surajpur, are sufficient to establish that no marriage took place between the applicant and respondent No.1. In such circumstances, respondent No.1 does not fall within the category of “wife” as contemplated under Section 125 of the Cr.P.C. and, therefore, is not entitled to maintenance.

4. Learned counsel appearing for the applicant submits that the impugned order is illegal, erroneous, and contrary to law and is therefore liable to be set aside. While passing the impugned order, the learned Family Court failed to appreciate that the marriage between the applicant and respondent No.1 has not been established. The learned Family Court failed to appreciate that no material or evidence was produced by respondent No.1 to prove that any marriage between the applicant and



respondent No.1 had taken place. The learned Family Court failed to appreciate that the applicant, in his cross-examination, categorically stated that respondent No.1 had blackmailed him by threatening to implicate him in a criminal case and, on that basis, got her name recorded as his wife in the service records. The learned Family Court further failed to consider that the applicant has consistently and categorically denied the alleged marriage with respondent No.1. The learned JMFC, Surajpur, by order dated 02.09.2021, recorded a categorical finding that the alleged marriage between the applicant and respondent No.1 was suspicious and had not been proved. The learned Family Court failed to appreciate that unless a valid marriage is proved between the parties, no person is entitled to claim maintenance under Section 125 of the Cr.P.C. The learned Family Court, while passing the impugned order, wrongly presumed that the income of the applicant had increased and, on such presumption, awarded maintenance of Rs. 4,000/- per month to each respondent, which is bad in law. The learned Family Court failed to appreciate and apply the guidelines laid down by the Hon'ble Supreme Court in *Rajnish vs. Neha*, (2021) 2 SCC 324, while determining the quantum of maintenance. The learned Family Court failed to appreciate that the burden of proving the factum of marriage lies upon the person who alleges it and, in the present case, respondent No.1 has failed to discharge the said burden, yet the impugned order was erroneously passed. The amount of maintenance awarded by the learned Family Court is excessive and disproportionate and is therefore liable to be set-aside.

5. On the other hand, learned counsel for the respondents 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