



2025:CGHC:30970

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 142 of 2019

1 - Kunti Bai W/o Prahalad, Aged About 27 Years Caste- Jaiswal, R/o Village Nimohi, Thana And Tahsil- Dabhra, District- Janjgir-Champa, Chhattisgarh. Presently Residing At Village- Chindmuda, Police Station And Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

2 - Ku. Jyoti(Minor), Prahalad Aged About 4 Years Caste Jaiswal, Revisioner No. 02 Is A Minor And Is Represented By Her Natural Guardian (Mother) Namely Kunti Bai, R/o Village Nimohi, Thana And Tahsil- Dabhra, District- Janjgir-Champa, Chhattisgarh. Presently Residing At Village- Chindmuda, Police Station And Tahsil- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

... Applicant(s)

versus

Prahalad Nehrual, Aged About 30 Years Caste- Jaiswal, R/o Village- Nimohi, Thana And Tahsil- Dabhra, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Surfaraj Khan, Advocate.

For Respondent(s) : Mr. Deepak Kumar Singh, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

07/07/2025

1. The applicant has filed this criminal revision against the order dated 15.11.2018 passed by learned Family Court, Sakti, District –



Jajngir-Champa (C.G.) in Misc. Criminal Case No.77/2017, whereby the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed to pay Rs.1,500/- per month to applicant No.2 only towards maintenance.

2. Brief facts necessary for disposal of this revision are that it is admitted that the marriage between the applicant No. 1 and the respondent took place eight years ago in a traditional ceremony in village Chhindmuda, Police Station Sakti. The applicant No. 1 was married to the respondent eight years ago, and her parents gave her gold and silver jewelry and household items worth approximately Rs.2,00,000/-. Initially, the respondent and his family treated her well until the birth of their first child, Chanchal. However, after that, they started beating her, took away her jewelry, and forced her to do excessive work. They also demanded a motorcycle and Rs.1,00,000/- from her parents, threatening to throw her out of the house and marry another woman if their demands were not met. The applicants further stated that despite hoping for improvement in the respondent's behavior, the situation worsened. The respondent and his family members falsely accused her and threw her out of the house with her daughter (applicant No. 2) about four years ago. She had to take shelter at her sister's house and later returned to her parental home. The respondent obtained a search warrant from the court, and the applicant No. 1 was sent back to her parental home



based on her statement. The respondent also held a social meeting without informing her. The applicants further alleged that the applicant No. 1 had filed a report against the respondent and his family members, which was referred to the Family Counseling Center. However, the respondent claimed to be ill, whereas she was healthy. The case was dismissed on 24.05.2015. After throwing her out, the respondent married another woman in 2016. The respondent and his family members continue to threaten them not to pursue the case. The applicants are currently living in hardship at the applicant No. 1's parental home and are unable to maintain themselves and their child. The applicants stated that the respondent has 7 acres of agricultural land, out of which 5 acres were acquired by a company, and he received Rs.7,00,000/-. The respondent also got a job with a monthly salary of Rs.10,000/-. Therefore, the respondent is capable of paying maintenance to the applicants. Therefore, The applicants prayed for a monthly maintenance of Rs.8,000/- each, totaling Rs.16,000/-, from the respondent. Family Court after considering all the documents and evidence adduced by the parties has directed to pay maintenance as aforementioned to applicant No.2 only. Hence, the criminal revision.

3. Learned counsel for the applicant submits that learned Family Court was well aware that the applicant No. 1, a young lady with a daughter (applicant No. 2), bears the responsibility of maintaining herself and her child. However, by granting an inadequate amount



of maintenance, the court has prejudiced their right to live and thrown them into a state of starvation, vagrancy, and destitution. He further submits that learned Family Court erred in fact and law, overlooking the miserable conditions in which the applicants are living. Despite the applicants pleading for adequate maintenance, the Court's effort fell short. The Court's conclusion was flawed, as the Court should have granted maintenance considering the prevailing economic realities. He also submits that Section 125 of the CrPC is a beneficial law aimed at protecting the interests of destitute wives, children, and parents who are neglected or refused maintenance by the person against whom they claim. This section is a measure of social justice, specially enacted to protect women and children, and falls within the constitutional sweep. Its object is to compel a man to perform his moral obligation to society regarding his parents, wife, and children, ensuring they are not left beggared and destitute. Hence, the impugned order passed by the Family Court is bad in law and the same is liable to be set-aside.

4. 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.



5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. From perusal of the impugned order, it transpires that the Family Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed to pay Rs.1,500/- per month to applicant No.2 only towards maintenance observing that the applicant No. 1, Kunti Bai (PW- 01), has prayed for a total monthly maintenance of Rs.16,000/- from the respondent. However, the applicant No. 1 has failed to prove that the respondent's monthly income is four times more than Rs.16,000/-. In such circumstances, it is not possible to grant a total monthly maintenance of Rs.16,000/- to the applicants as the applicant No.1 failed to prove the aforesaid fact, hence, the Family Court concluded that applicant No.1 is not entitled to maintenance. So far as applicant No. 2 is concerned, she is the minor legitimate daughter of the respondent, and the respondent is liable to maintain her. Considering the age of applicant No. 2 and the respondent's occupation, the Family Court concluded that applicant No.2 is entitled to maintenance.
7. Considering the submissions 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 Family Court has not committed any illegality or infirmity or



jurisdictional error in the impugned order warranting interference by this Court.

8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
9. Registrar (Judicial) is directed to transmit the original record to the concerned trial Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil