



2026:CGHC:4210

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 137 of 2024**

Khuman Nayak S/o Late Shri Tejnath Aged About 52 Years R/o Village Bangoli, P.S. Kharora, Tehsil, Tilda, District- Raipur, Chhattisgarh.

... Applicant**versus**

1. Smt. Yamuna Nayak W/o Khuman Nayak Aged About 43 Years R/o Village Pathari, P.S. Dharsiva, District- Raipur, Chhattisgarh.
2. Nomika Nayak D/o Khuman Nayak Aged About 20 Years R/o Village Pathari, P.S. Dharsiva, District- Raipur, Chhattisgarh.
3. Kirti Nayak D/o Khuman Nayak Aged About 18 Years R/o Village Pathari, P.S. Dharsiva, District- Raipur, Chhattisgarh.
4. Mamta Nayak D/o Khuman Nayak Aged About 16 Years Through Their Natural Guardian Mother Smt. Yamuna Nayak Non Applicant No.1, R/o Village Pathari, P.S. Dharsiva, District- Raipur, Chhattisgarh,
5. Pallavi Nayak D/o Khuman Nayak Aged About 13 Years Through Their Natural Guardian Mother Smt. Yamuna Nayak Non Applicant No.1, R/o Village Pathari, P.S. Dharsiva, District- Raipur, Chhattisgarh,

... Respondents

For Applicant	: Mr. Rakesh Kumar Manikpuri, Advocate.
For Respondents	: Mr. Akash Mishra, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.01.2026**

1. This Criminal Revision is being aggrieved of the judgment dated 15.12.2023 passed by the learned First Additional Principal Judge, Family Court, Raipur, District – Raipur (C.G.) in Case No. 705/2022, whereby the learned Family Court has partly allowed the application

under Section 125 of the CrPC filed by the non-applicants, and directed the applicant/husband that he has to pay amount of Rs. 5,000/- to the non-applicant No.1 and Rs.2,000/- 2,000/- each to non-applicant Nos. 3 to 5.

2. The facts, in brief, is that the marriage between the applicant/husband and non-applicant No.1 was solemnized on 20.04.2002 according to Hindu rites and customs at Village Pathari, District Raipur (C.G.). Out of the said wedlock, non-applicant Nos. 2 to 5 (daughters) were born on their respective dates. Non-applicant No.1/wife, for herself and on behalf of her daughters, filed an application under Section 125 of Cr.P.C. seeking maintenance. In the said application, she alleged that her parents had given streedhan and gifts according to their status at the time of marriage and that after marriage she resided with the applicant at Village Bangoli. She further alleged that initially the matrimonial life was cordial, but subsequently her mother-in-law subjected her to cruelty on account of alleged dowry demands and that the applicant/husband used to beat her. It was further stated that non-applicant No.2, Nomika Nayak, was born on 11.07.2003, and that the alleged ill-treatment continued even during pregnancy. She further claimed that a social meeting was held on 16.07.2022, wherein the applicant assured to take care of the non-applicant/wife and daughter but failed to honour the decision. She also alleged that she lodged a written complaint on 22.07.2022, but no action was taken by the police and only a memo under Section 155 Cr.P.C. was issued. Non-applicants alleged that the applicant is a Mechanical Engineer, earning ₹70,000/- per month, with additional sources of income, and therefore claimed ₹40,000/- per month as maintenance.
3. Upon service of notice, the applicant appeared before the learned Family Court and filed his reply denying the allegations made by the non-

applicants. It was specifically pleaded that non-applicant No.1 was cruel towards the applicant's mother and, under the influence of her family members, left the matrimonial home without any sufficient cause. It was further stated that the applicant took due care of non-applicant No.1 during her pregnancies and bore all hospital and medical expenses. The applicant further pleaded that non-applicant No.1 has made false allegations against his mother, attempted suicide on several occasions, and failed to abide by the advice of elders during social meetings. It was also stated that non-applicant No.1 deliberately left the matrimonial home along with the daughters on 20.07.2022 without any intimation. It was specifically pleaded that the non-applicant No.1 has not stated in her application that she is unable to maintain herself, and therefore she is not entitled to maintenance.

4. The applicant further submitted that non-applicant No.1 had filed a false complaint before Mahila Thana, Raipur, which was rejected as vague and baseless. It was further pleaded that non-applicant No.1 is residing separately with the daughters, without any sufficient reason, in the applicant's house situated at Village Dharsiwa, District Raipur (C.G.). The applicant stated that he is working as a Mechanical Engineer at Siltara, earning ₹56,000/- per month, and has availed a housing loan of ₹10,75,000/-, for which he is paying an EMI of ₹28,000/- per month. It was further submitted that the agricultural land owned by the applicant is joint family property. The applicant is also taking care of his 77-year-old mother, incurring approximately ₹10,000/- per month towards her medical treatment. The applicant has also taken LIC policies for his wife and daughters (Ex. D/1 to D/6) and purchased money-saving policies (Ex. D/7 & D/8), incurring about ₹20,000/- per month. After meeting all these expenses, the applicant is left with approximately ₹11,000/- per month to

manage his remaining expenses. Hence, it was pleaded that the non-applicants are not entitled to maintenance. The allegations of dowry demand and cruelty have been made after nearly 20 years of marriage and are vague, baseless, and unsupported by any evidence. It was further pleaded that non-applicant No.1 is living separately without sufficient cause and has taken non-applicant Nos. 2 to 5 along with her without the consent of the applicant. It was also pleaded that non-applicant No.3 attained majority on 07.06.2022 and is therefore not entitled to maintenance under Section 125 Cr.P.C., in view of the judgment of the Hon'ble Supreme Court in *Abhilasha vs. Prakash*, AIR 2020 SC 4355. The impugned order has been passed without proper appreciation of the facts and circumstances of the case, the statements of witnesses, and the oral and documentary evidence available on record. The learned Trial Court failed to consider that non-applicant No.1 did not continue her matrimonial life with the applicant in the presence of his mother and separated only because the applicant refused to abandon his 77-year-old mother. The learned Trial Court also failed to assess the financial capacity and liabilities of the applicant. Before the Family Counselling Centre, the non-applicant/wife refused to resume cohabitation with the applicant. Copies of the counselling reports dated 04.08.2022 and 23.08.2022 (Ex. D/13) are annexed herewith as Annexure A-2 (collectively).

5. Learned counsel appearing for the applicant submits that the order dated 15.12.2023, passed by the learned Presiding Judge, Family Court, is illegal, improper, and unsustainable in the eyes of law. While passing the impugned order, the learned Trial Court failed to appreciate that the allegations made by non-applicant No.1/wife were raised after more than 20 years of marriage and are vague, baseless, and unsupported by any

evidence. The learned Trial Court erred in ignoring the fact that non-applicant No.1/wife is living separately without any sufficient cause and, therefore, is not entitled to maintenance under Section 125 Cr.P.C. The learned Trial Court failed to consider that non-applicant No.1/wife took non-applicant Nos. 2 to 5 along with her without the consent of the applicant/husband. The learned Trial Court ignored the material fact that non-applicant No.1/wife had attempted suicide on earlier occasions, which was relevant to the adjudication of the dispute. The learned Trial Court failed to appreciate that non-applicant No.1/wife is acting to the detriment of the future of the daughters, merely to satisfy her ego. The learned Trial Court overlooked that non-applicant No.3 attained majority on 07.06.2022, and therefore is not entitled to maintenance under Section 125 Cr.P.C., in view of the law laid down by the Hon'ble Supreme Court in *Abhilasha vs. Prakash*, AIR 2020 SC 4355. The learned Trial Court failed to consider that the police authorities found no substance in the complaint lodged by non-applicant No.1/wife against the applicant/husband. The learned Trial Court ignored the fact that non-applicant No.1/wife has wrongfully occupied the applicant's house situated at Village Dharsiwa, District Raipur (C.G.), and therefore is not entitled to maintenance. The learned Trial Court failed to consider that the applicant/husband had fully supported the non-applicant/wife during her pregnancies and had borne all hospital and medical expenses. The learned Trial Court erred in awarding maintenance without properly assessing the financial condition and liabilities of the applicant, including his responsibility towards his 77-year-old mother, housing loan installments, LIC policy premiums, and post office money-saving scheme installments undertaken for the future security of his daughters. The learned Trial Court further erred in ignoring the fact that the respondent/wife is employed in a private institution and is

earning approximately Rs.7,000/- per month, and is therefore capable of maintaining herself. The learned Trial Court failed to properly appreciate the facts and circumstances of the case, the statements of witnesses, the evidence on record, and the financial condition of the applicant/husband. Consequently, the order granting interim maintenance to respondent No.1/wife is liable to be set aside in the interest of justice.

6. 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.
7. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
8. 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.
9. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Let a certified copy of this order of this case be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice