



2026:CGHC:9854



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 286 of 2026

Smt. Premshila Wife of Lallan Jamidar Singh Aged About 45 Years Resident of Zone-2, Khursipar, Bapu Nagar, N.P.A. Road, Bhilai, Tahsil And District - Durg, Chhattisgarh.

... **Applicant**

versus

Lallan Jamidar Singh Son of Jamindar Ram Singh Aged About 54 Years Through Santosh Jamindar Singh, Resident of 29, Charanjit Nivas Kokan Mannanjar Bhandup Mumbai (Maharashtra) Second Address - Prisha Advisor Pvt. Ltd. Shop No.64, Veena Nagar, C.H.S. Ltd. Building No. 02, L.B.S. Marg Mumabi (West)

... **Respondent**

For Applicant	: Mr. Raj Kumar Sahu, Advocate.
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Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

25.02.2026

1. Heard Mr. Raj Kumar Sahu, learned counsel appearing for the applicant.
2. The present revision has been filed by the applicant with the following prayer:

"It is therefore, that this Hon'ble Court may kindly be pleased to allow this criminal revision and set-aside impugned order dated 20.01.2026 and also may kindly be granted maintenance amount of Rs. 1,00,000/- per



month as sought by the applicant in application under section 125 Cr.P.C., in the interest of justice.”

3. Facts of the case are that the applicant had filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance of Rs. 1,00,000/- per month from the respondent. It is an admitted fact that on 10.07.2020, the respondent contracted a second marriage with the applicant at Arya Samaj Mandir, Purani Basti, Bhilai, with the consent of his family members, after obtaining a decree of divorce from his first wife. The case of the applicant is that after the marriage, she was residing peacefully and happily with the respondent at her matrimonial home. However, after some time, the respondent started harassing and torturing the applicant by subjecting her to physical and mental cruelty. The respondent pressurized the applicant to leave the matrimonial home and expressed his unwillingness to live with her. Ultimately, the respondent assaulted her and drove her out of the matrimonial house. Due to such harassment and mental torture, the applicant left the matrimonial home and is presently residing at her parental house. The applicant is the legally wedded wife of the respondent and has no independent source of income for her livelihood. The respondent is engaged in the business of Chartered Accountancy and also runs a hotel and a Security Services Company. From his business and other sources, he is earning approximately Rs. 5,00,000/- per month. Hence, the applicant filed the application under Section 125 of the Code of Criminal Procedure seeking maintenance of Rs. 1,00,000/- per month from the respondent.
4. The respondent filed his reply and denied the averments made in the application filed by the applicant.



5. The learned Family Court, after recording the evidence and considering the pleadings of the parties, vide impugned order dated 20.01.2026, dismissed the application filed by the applicant without granting any maintenance.
6. Learned counsel for the applicant submits that the impugned order dated 20.01.2026 passed by the learned First Principal Judge, Family Court, Durg, Chhattisgarh is wholly illegal, erroneous, and contrary to the evidence and documents submitted by the applicant. The respondent misbehaved with the applicant and mentally harassed her by demanding Rs. 1,00,000/-. However, the learned Family Court ignored the said facts while passing the impugned order, which is contrary to law. He submits that the learned Family Court overlooked the income of the respondent and the statutory provisions relating to maintenance, and wrongly rejected the application filed under Section 125 of the Code of Criminal Procedure without granting any maintenance. The said order is completely illegal and unsustainable in law. The impugned order dated 20.01.2026 is illegal as the applicant is the legally wedded wife of the respondent and, under the Hindu Marriage Act, she is entitled to maintenance. Despite this, the learned Family Court erroneously rejected her claim for maintenance, which is not sustainable in the eyes of law. It is pertinent to mention that the applicant left her matrimonial home due to the cruelty committed by the respondent and suffered both mental and physical harassment. The learned Family Court failed to consider that the respondent is financially capable of maintaining the applicant and can comfortably provide maintenance for her livelihood. He also submits that soon after the marriage, the respondent unnecessarily picked quarrels with the applicant without any sufficient cause and showed unwillingness to continue the marital relationship. His conduct amounted to cruelty, due



to which the applicant was mentally harassed and compelled to leave her matrimonial home. She has no independent source of income and is facing great difficulty in maintaining herself and meeting her daily needs. He also submits that the respondent did not wish to live with the applicant and forcibly drove her out of the matrimonial house after assaulting her. The learned Family Court failed to properly apply its judicial mind and rejected the application under Section 125 of the Code of Criminal Procedure in a mechanical manner. The applicant is a poor lady and her mother is suffering from various illnesses. She is facing extreme hardship in sustaining herself. The learned Family Court failed to follow the provisions of the Hindu Marriage Act and rejected the application without properly appreciating the facts and material available on record, which is contrary to law. The respondent never made any effort to resume cohabitation with the applicant. On the contrary, whenever the applicant attempted to live with him at the matrimonial home, he harassed and tortured her on the pretext of insufficient dowry and repeatedly demanded dowry. If maintenance is not granted to the applicant in accordance with the Hindu Marriage Act, she will be deprived of her legal right as the legally wedded wife of the respondent. The refusal to grant maintenance is therefore contrary to law.

7. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
8. On perusal of the impugned order, it transpires that the learned Family Court, upon due appreciation of the pleadings and evidence on record, rejected the application filed by the applicant under Section 125 Cr.P.C., observing that in paragraph 19 of her cross-examination the applicant voluntarily admitted that she had been working as an ASHA worker prior



to the year 2012, and in paragraph 22 she admitted that she does not suffer from any illness or physical disability preventing her from earning her livelihood, thereby indicating that she was previously earning and is still capable of maintaining herself. The Court further found that the applicant was legally married to Rajesh Jaiswal, who is still alive, and that no decree of divorce has been obtained, from the said wedlock two children, Shubham and Rishabh, were born, both of whom are major, capable of earning, and residing with the applicant. It was also observed that without dissolution of her earlier marriage, the applicant went through a marriage ceremony with the respondent by representing herself to be unmarried, and on the basis of the entire appreciation of evidence, the application under Section 125 Cr.P.C. was dismissed.

9. Considering the submission advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the learned Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
10. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
11. Let a certified copy of this order be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek