



2026:CGHC:9472



2026:CGHC:9472

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 284 of 2026

Smt. Sita Pandey W/o Sumant Pandey Aged About 26 Years R/o Village- Chanwaridand, Ward No. 11, Tahsil- Manendragarh, District- Manendragarh-Chirmiri-Bharatpur (C.G.)

... Applicant(s)

versus

Sumant Pandey S/o Shri Ramlakhan Pandey Aged About 30 Years R/o Near Railway Stations Ward No. 08, Manendragarh, District- Manendragarh-Chirmiri-Bharatpur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Pragalbha Sharma, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

24/02/2026

1. The applicant has filed this criminal revision against the order dated 19.12.2025 passed by learned Judge, Family Court, Manendragarh (C.G.) in Misc. Criminal Case No.129/2025,



whereby the learned Family Court has rejected the application under Section 144 CrPC filed by the applicant / wife.

2. Brief facts necessary for disposal of this revision are that the marriage between the applicant and the respondent was solemnized on 15.05.2019 at Village Chandwaridand according to Hindu rites and rituals, and soon after the marriage, the applicant was subjected to cruelty and harassment by the respondent and his family members on account of alleged insufficient dowry, as only Rs.1,00,000/- was given instead of the demanded Rs.5,00,000/- and no motorcycle was provided; she was repeatedly taunted, assaulted and evicted from her matrimonial home and has been residing at her parental house since 2020, though she was taken back in August 2024 and again in November 2024 upon mediation, but each time she was assaulted and expelled, lastly on 14.01.2025 with a condition to fulfill the dowry demand; she lodged a written complaint on 26.02.2025 at Police Station Manendragarh but no effective action was taken; having no independent source of income and being unable to maintain herself, she filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Family Court, Manendragarh claiming maintenance of Rs.7,000/- per month, whereas the respondent denied the allegations and claimed that she left on her own will and expressed willingness to keep her, and despite evidence led by both sides, the learned Family Court, by order dated 19.12.2025, rejected her application



holding that she was residing separately without sufficient cause, hence the present criminal revision.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is wholly erroneous, illegal and contrary to the settled principles of law and facts available on record. It is contended that the learned Family Court has failed to properly appreciate the pleadings, contentions and evidence adduced by the applicant in its correct perspective and has thus arrived at perverse findings. The Court below has not taken into consideration that the respondent is a person having sufficient means to maintain the applicant, yet he has deliberately neglected and refused to maintain his legally wedded wife. It is further submitted that the learned Family Court has gravely erred in recording a finding that the applicant refused to live with her husband without sufficient cause, whereas the evidence on record clearly demonstrates that the applicant was always willing to reside with the respondent and had made several sincere efforts to cohabit with him, despite being subjected to continuous cruelty and harassment, and was repeatedly driven out of the matrimonial home. The Court below has also failed to consider that the respondent did not produce any documentary evidence regarding the alleged complaint said to have been made at Police Station Manendragarh. Furthermore, the learned Family Court ignored the material fact that on 15.09.2024 a mutual settlement was arrived at between the parties, whereby the respondent had agreed to



keep the applicant properly, bear her expenses and provide separate residence. It is thus evident from the record that the applicant is residing separately due to constant cruelty and harassment meted out to her, which constitutes sufficient cause under law to live apart. Therefore, the rejection of the applicant's application by the learned Family Court on flimsy, untenable and irrelevant grounds is unsustainable and liable to be set aside.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that although the learned Family Court found the respondent to be a person having sufficient means and also noted that the applicant has no independent source of income, it denied maintenance solely on the ground that the applicant failed to prove that she was living separately for sufficient cause. Relying upon the decree for restitution of conjugal rights passed in favour of the respondent and invoking Section 144(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Court concluded that the applicant had refused to live with her husband without justification and, therefore, was not entitled to maintenance.
6. Considering the submissions 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 Family Court has not committed any illegality or infirmity or



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

7. Accordingly, the revision being devoid of merit is liable to be and
is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil