



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1005 of 2025

Swapneel Jain S/o Late Shri Upendra Kumar Jain Aged About 40 Years R/o Kocheta Niwas, Near Swastik Nursing Home, Jal Vihar Colony, Raipur Tehsil And District- Raipur (C.G.)

... Petitioner

versus

1 – State of Chhattisgarh Through Police Station- Mahila Thana, Raipur, District- Raipur (C.G.)

2 - Disha Jain W/o Swapneel Jain Aged About 37 Years R/o C/o Mrs Asha Jain, G-103, Palm Bellagio, In Front of SMC Hospital/indian Oil Petrol Pump, Khamardih Road, Raipur, Chhattisgarh 492007. (Complainant In The Instant Crime)

... Respondents

Order Sheet

20/03/2025	Heard Mr. Anmol Sharma, learned counsel for the petitioner. Also heard Mr. Malay Jain, learned Panel Lawyer, appearing for respondent No. 1/State.

	It has been argued by the learned counsel for the petitioner that petitioner and respondent No. 2 are the husband and wife and the marriage was solemnized according to Hindu rites and ceremonies on 19.02.2011 at Tatibandh, Raipur. The marriage between the parties was duly consummated and out of the said wedlock, the couple was blessed with 2 children namely Khanak Jain aged about 10 years and Prerak Jain aged about 6 years. After the marriage the couple started living in the matrimonial house and after some time of marriage, dispute arose between the petitioner and respondent No. 2 and she has made a written complaint before the Police Authorities i.e. Mahila Thana, District - Raipur, Chhattisgarh on 30.05.2023 against the petitioner and his family members. He further submits that the petitioner and his family members were mentally and physically harassing her for demand of dowry and she was not allowed to pursue her higher studies and engaged her in the house hold work. The police
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authorities after receiving the application of respondent No.2, as per the procedure initiated counselling proceedings between the petitioner and respondent No. 2 which failed and eventually an FIR was registered against the petitioner, Shanta Jain, Shilpa Rakecha, Shewta Rakecha and Surendra Khajanchi for the offence under Section 498-A and 34 of IPC, however, after completion of investigation the Police Authorities have has filed the charge-sheet only against the present petitioner on 05.05.2024. After filing of Charge sheet in the instant crime number before the Learned Judicial Magistrate First Class, Raipur, learned Court has taken the cognizance of the case on 25.06.2024 and Criminal Case was registered bearing Criminal Case No.10000/2024 and the case was put to trial. As per the present status of the trial, the charges have not been framed before the learned Court below and the matter of fixed for argument on charge.

It has been further argued that the husband and

	wife started living separately from February 2022 and later, the petitioner submitted an application for grant of divorce under Section 13A of Hindu Marriage Act before the Family Court, Raipur on 12.09.2022, which is registered under as case No.820/2022 which is pending before the Family Court, Raipur. After filing of divorce petition on 12.09.2022, for the first time after lapse of almost 12 years of marriage, as part of a well-planned conspiracy, a written complaint was made to Mahila Police Station, Raipur on 30.05.2023 by creating a false, fabricate story and a false complaint has been made against his family and relatives. Thereafter, the wife has filed a case under Section 125 of the Cr.P.C. for grant of maintenance from the petitioner on 30.05.2023 i.e. same day when the complaint was made before police authorities. She also filed a complaint under section 12 read with section 18,19, 20, 22 and 23 of Protection of Women from Domestic Violence Act, 2005 wherein she has again impleaded the entire family and notices were
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issued by the learned Court below vide order dated 11.01.2024 and the same is pending for its kind consideration before the learned court below.

It has been also argued by the learned counsel for the petitioner that learned Family Court, Raipur has granted interim maintenance to the wife to the tune of Rs.5,000/- and Rs.2,000/- each to both the children. The wife has preferred a criminal revision against the interim order passed by the learned Family Court under section 125 Cr.P.C, bearing CRR No. 537/2024 and the during the course of the hearing the Hon'ble Court on 29.08.2024 was directed the parties to explore possibilities of compromise by directing the parties to appear before the mediation center of this Court and resolve their grievance. The parties appeared and ultimately the mediation between the parties has failed.

The learned Single Judge vide order dated 27.01.2025 partly allowed the CRR No.537/2024 and interim maintenance granted to the wife was rejected

and it was directed the husband to pay interim maintenance of Rs. 5000/--5000/- to both the children instead of Rs.2000/-, from the date of application and the interim maintenance granted to the wife is just and proper as awarded by the family Court and the husband shall pay total amount of Rs.15000/- to the wife and children.

Issue notice to the respondents by ordinary as well as registered posts.

Learned State counsel appears and accepts notice on behalf of respondent No. 1, therefore, issuance of notice to them, is dispensed with.

Process fee be paid within a week only for respondent No. 2.

Notice be made returnable in four weeks.

Two weeks' time is granted to the learned State counsel and respondent No. 2 to file their reply-affidavit and thereafter, one week's time is granted to learned counsel for petitioner to file rejoinder-affidavit.

List this matter thereafter.

The copy of the order dated 27.01.2025 passed in CRR No.537/2024 is taken on record.

Till the next date of listing, the proceedings pending before the learned trial Court in Criminal Case No.10000 of 2024 for the offences punishable under Section 498-A of the IPC against the petitioner, shall remain stayed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice