



2025:CGHC:38891

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 341 of 2023**

Akhileshwar S/o Shri Bhakadu Satnami Aged About 28 Years R/o Village
- Chhirahi, Police Station - Suhela, District Balodabazar - Bhatapara
Chhattisgarh.

... Applicant**versus**

Smt. Neetu W/o Satyanarayan Bhardwaj Aged About 23 Years Present
Address - Village - Mohtara (Mallin), Police Station - Kasdol, District
Balodabazar - Bhatapara Chhattisgarh.

... Respondent

For Applicant : Mr. Shobhit Koshta, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****05.08.2025**

1. This criminal revision has been filed by the applicant with the following prayer:

*"It is, therefore, prayed that this Hon'ble Court
may kindly be pleased to allow this petition
and set aside the impugned order dated
30.1.2023 (Annexure A/1) passed by the
learned Family Court, Balodabazar or
consequently, allow the application u/s 127 of
CrPC filed by the applicant, in the interest of
justice."*

RAHUL
DEWANGAN

Digitally
signed by
RAHUL
DEWANGAN

2. The facts, in brief, is that pursuant to an application filed by the respondent under Section 125 Cr.P.C., the Judicial Magistrate First Class, Balodabazar, by order dated 11.07.2016, directed the applicant to pay maintenance of Rs.1,000/- per month to the respondent and Rs.1,500/- per month to their daughter, Ku. Paridhi. Subsequently, on 18.07.2022, the applicant preferred an application under Section 127 Cr.P.C. before the Family Court, Balodabazar, seeking modification of the order on the grounds that he had already complied with the maintenance order for eleven months, yet the respondent had sought recovery of arrears under Section 125(3) Cr.P.C.; further alleging that the respondent had been cohabiting with one Satyanarayan Bhardwaj for the past 18 months and had borne a child from that relationship, and that their daughter Ku. Paridhi had expired in 2019. It was, therefore, contended that the respondent was not entitled to claim any maintenance. The respondent, in her reply, denied non-payment of maintenance and alleged that the applicant himself had contracted a second marriage and fathered two children without obtaining divorce, and hence opposed the application under Section 127 Cr.P.C. Upon hearing both parties and examining the material on record, the learned Family Court, vide order dated 30.01.2023, dismissed the applicant's application under Section 127 Cr.P.C., Aggrieved by the said order, the applicant has preferred this revision petition.
3. Learned counsel appearing for the applicant submits that the impugned order passed by the learned Family Court is illegal and

contrary to the evidence on record, inasmuch as respondent No. 1 (NAW-1) herself admitted in her testimony that maintenance of Rs.1,000/- per month was granted in her favour and Rs.1,500/- per month in favour of her daughter Ku. Paridhi, who admittedly died in the year 2019. Further, the certificate dated 02.07.2022 issued by the Primary Community Center, Risda (Ex. A/2C) clearly establishes that the respondent has been living in an adulterous relationship with one Satyanarayan Bhardwaj and had borne a child from that relationship, who was born dead on 05.02.2022. This fact also stands corroborated by the Panchanama (Ex. A/1C) issued by the Sarpanch of Village Panchayat-Mallin, which records that the respondent has been cohabiting with the said Satyanarayan at Village-Mohtara for the last eighteen months. In view of these admitted and documentary facts, the respondent is disqualified from claiming maintenance under Section 125(4) Cr.P.C., and the learned Family Court erred in not considering this legal bar, thereby rendering the impugned order unsustainable in law.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the impugned order, it transpires that upon due consideration of the pleadings and evidence adduced by both parties, the learned Family Court rightly dismissed the applicant's application under Section 127 Cr.P.C. vide order dated 30.01.2023. The Court, after evaluating the material on record, correctly held that the applicant failed to substantiate his allegations regarding the respondent's alleged cohabitation with another person and the

consequent disentitlement to maintenance under Section 125(4) Cr.P.C. The respondent's denial of such allegations, coupled with the absence of cogent proof of remarriage or adulterous conduct, justified the Court's finding that the original maintenance order required no modification. Furthermore, the mere demise of the child Ku.Paridhi did not affect the respondent's independent right to maintenance as the legally wedded wife, particularly in view of the admitted non-payment of maintenance for a considerable period. The impugned order, being well-reasoned and in conformity with settled legal principles governing modification of maintenance, calls for no interference.

6. 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
7. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let a copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice