



2026:CGHC:13421

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 400 of 2026

1 - Shrimati Chandani Khubchandani W/o Rahul Khubchandani Aged About 31 Years R/o Beside Dr. Bagdhi Nursing Home, Nathani Badha, Budhapara, Ps City Kotwali, Raipur, Tehsil And Distt. Raipur, Chhattisgarh.

... **Petitioner(s)**

versus

1 - Rahul Khubchandani S/o Prakash Khubchandani Aged About 31 Years R/o Manish Traders, Tilda Camp, Tehsil Tilda, Distt. Raipur, Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Mr. Shobhit Koshta, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

20.03.2026

1. This Criminal Revision is filed against the order dated 22.12.2025 passed by the learned 2nd Addl. Principle Judge, Family Court, Raipur,

whereby the learned Family court has granted maintenance amount Rs.10,000/- per month to the wife.

2. Brief facts of the case are that, the applicant wife filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court at Raipur (Chhattisgarh) claiming maintenance of Rs. 3,00,000/- per month, asserting that the marriage of the applicant was solemnized on 01.09.2022 in accordance with social customs and traditions. This was the second marriage for both the applicant and the respondent, as their previous marriages had already ended socially. The applicant had been deceived in her earlier marriage, and therefore she was reluctant to marry again but on the assurance given by the respondent, she marry again. However, from the very first night of the marriage, the applicant was subjected to harassment by the respondent No. 1 and his family members in the name of dowry and she was pressured to bring Rs. 5,00,000 from her parental home.

3. The respondent, in his reply, has partly admitted paragraphs 02 and 03 of the application and denied the remaining averments, contending that both parties entered into a second marriage without any issue being born therefrom, and that the applicant concealed the fact that she had not legally divorced her first husband, thereby rendering the present marriage void. It is further stated that the marriage was performed without any dowry demand and all expenses, including jewellery worth Rs. 7–8 lakhs, were borne by the applicant's

family, which the applicant later took with her. The respondent denies all allegations of cruelty, dowry harassment, and unnatural acts, asserting that the applicant lived in the matrimonial home for about four months, participated in social functions happily, and thereafter left without sufficient cause due to dissatisfaction with his low income, falsely implicating him and his family in criminal cases. He further submits that he is a simple accountant earning about Rs. 9,000/- per month, whereas the applicant/ wife is well-educated and earning through tuition, and that she has failed to produce any proof of divorce from her previous marriage despite claiming the same, thereby making false and baseless allegations only to claim maintenance.

4. After hearing the parties, learned Family Court has partly allowed the application filed by the respondent and granted Rs.10,000/- per month as maintenance which is payable from the date of the application i.e. 15.06.2023. Against the awarding less amount towards maintenance, the applicant has filed the instant criminal revision challenging the legality and propriety of the order dated 22.12.2025 and claimed enhancement of the monthly maintenance amount.

5. Learned counsel for the applicant/ wife would submit that, the impugned order passed by the learned Family Court is wholly erroneous, illegal and unsustainable in the eyes of law, as the court has failed to properly appreciate the cogent oral as well as documentary evidence placed on record by the applicant wife, particularly the Income Tax Returns of the respondent for the assessment years 2022–23 and

2023–24, which clearly demonstrate that his annual income exceeds Rs. 5,00,000/-, contrary to his false and misleading plea of earning merely Rs. 9,000/- per month; despite examination of the Income Tax Inspector (AW-2) to substantiate the said documents, the learned Family Court wrongly held that no reliable proof of income was produced, thereby rendering its findings perverse and against the record. He would further submit that, the learned Family Court failed to adjudicate upon the applicant's application seeking action against the respondent for filing false affidavit under the relevant provisions of BNS, despite keeping it pending for consideration, which amounts to a serious procedural irregularity. Moreover, the learned Family Court mechanically ordered for maintenance of Rs. 10,000/- per month without considering the true income of the respondent, his earnings from joint family sources, and the rising cost of living, thereby ignoring the settled principle that a wife is entitled to live with dignity commensurate with the status of her husband. Hence, the impugned order is improper appreciation of evidence and is liable to be quashed and set aside with respect to quantum of maintenance, and the maintenance amount deserves to be suitably enhanced in the interest of justice.

6. I have heard learned counsel for the applicant and perused the impugned order and other material annexed thereto.

7. With respect to entitlement and quantum of maintenance, the Hon'ble Supreme Court in the matter of **Anju Garg and Another v.**

Deepak Kumar Garg, 2022 SCC Online SC 1314 has held in para 9 and 10 that:-

"9. At the outset, it may be noted that Section 125 of Code of Criminal Procedure was conceived to ameliorate the agony, anguish and financial suffering of a woman who is required to leave the matrimonial home, so that some suitable arrangements could be made to enable her to sustain herself and the children, as observed by this Court in *Bhuvan Mohan Singh v. Meena and Ors.* MANU/SC/0605/2014: (2015) 6 SCC 353 This Court in the said case, after referring to the earlier decisions, has reiterated the principle of law as to how the proceedings Under Section 125 Code of Criminal Procedure have to be dealt with by the Court. It held as under

In *Dukhtar Jahan v. Mohd. Farooq* [MANU/SC/0420/1987 (1987) 1 SCC 624: 1987 SCC (Cri.) 237] the Court opined that. (SCC p. 631, para 16)

16. Proceedings Under Section 125 [of the Code], it must be remembered, are of a summary nature and are intended to enable destitute wives and children, the latter whether they are legitimate or illegitimate, to get maintenance in a speedy manner.

8. A three-Judge Bench in *Vimala (K.) V Veeraswamy (K.)* [MANU/SC/0719/1991. (1991) 2 SCC 375: 1991 SCC (Cri.) 442], while discussing about the basic purpose Under Section 125 of the Code, opined that: (SCC p. 378, para 3)

3. Section 125 of the Code of Criminal Procedure is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the

supply of food, clothing, and shelter to the deserted wife.

9. A two-Judge Bench in *Kirtikant D. Vadodaria v State of Gujarat* (MANU/SC/1159/1996 (1996) 4 SCC 479 1996 SCC (Cri) 762), while adverting to the dominant purpose behind Section 125 of the Code, ruled that (SCC p. 489, para 15)

15.... While dealing with the ambit and scope of the provision contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation.

10. In *Chaturbhuji v. Sita Bai* [MANU/SC/8286/2007: (2008) 2 SCC 316: (2008) 1 SCC (Civ) 547 (2008) 1 SCC (Cri.) 356], reiterating the legal position the Court held: (SCC p. 320, para 6)

6.... Section 125 Code of Criminal Procedure is a measure of social justice and is specially enacted to protect women and children and as noted by this Court in *Capt Ramesh Chander*

Kaushal v. Veena Kaushal
 [MANU/SC/0067/1978: (1978) 4 SCC 70: 1978
 SCC (Cri.) 508] falls within constitutional sweep
 of Article 15(3) reinforced by Article 39 of the
 Constitution of India. It is meant to achieve a
 social purpose. The object is to prevent
 vagrancy and destitution. It provides a speedy
 remedy for the supply of food, clothing and
 shelter to the deserted wife. It gives effect to
 fundamental rights and natural duties of a man
 to maintain his wife, children and parents when
 they are unable to maintain themselves. The
 aforesaid position was highlighted in Savitaben
 State Gujarat [Somabhai Bhatiya
 MANU/SC/0193/2005: (2005) 3 SCC 636: 2005
 SCC (Cri.) 787). V of

11. Recently in Nagendrappa Natikar v. Neelamma
 [MANU/SC/0248/2013: (2014) 14 SCC 452: (2015) 1
 SCC (Cri.) 407: (2015) 1 SCC (Civ) 346), it has been
 stated that it is a piece of social legislation which
 provides for a summary and speedy relief by way of
 maintenance to a wife who is unable to maintain
 herself and her children.

8. In the matter of "**Rajnish v. Neha**", **2021 (2) SCC 324**, the Hon'ble
 Supreme Court has laid down the criteria for determining the quantum of
 maintenance. In para 77 to 85, the Hon'ble Supreme Court in its judgment
 held that-

77. The objective of granting interim / permanent alimony
 is to ensure that the dependant spouse is not reduced to
 destitution or vagrancy on account of the failure of the
 marriage, and not as a punishment to the other spouse.

There is no straitjacket formula for fixing the quantum of maintenance to be awarded

78. The factors which would weigh with the Court inter alia are the status of the parties, reasonable needs of the wife and dependent children, whether the applicant is educated and professionally qualified, whether the applicant has any independent source of income, whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home, whether the applicant was employed prior to her marriage, whether she was working during the subsistence of the marriage: whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family, reasonable costs of litigation for a non-working wife [Refer to *Jasbir Kaur Sehgal v District Judge, Dehradun*, (1997) 7 SCC 7: Refer to *Vinny Paramvir Parmar v Paramvir Parmar* (2011) 13 SCC 112 (2012) 3 SCC (Civ) 290)

79. In *Manish Jain v Akanksha Jain* ((2017) 15 SCC 801: (2018) 2 SCC (Civ) 712] this Court held that the financial position of the parents of the applicant-wife, would not be material while determining the quantum of maintenance. An order of interim maintenance is conditional on the circumstance that the wife or husband who makes a claim has no independent income, sufficient for her or his support. It is no answer to a claim of maintenance that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the Court should mould the claim for maintenance based on various factors brought before it.

80. On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able bodied and has educational qualifications [Reema Salkan v Sumer Singh Salkan (2019) 12 SCC 303 (2018) 5 SCC (CIV) 596: (2019) 4 SCC (Cr) 339]

81. A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home 36 The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes Le maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort

82. Section 23 of HAMA provides statutory guidance with respect to the criteria for determining the quantum of maintenance. Sub-section (2) of Section 23 of HAMA provides the following factors which may be taken into consideration: (i) position and status of the parties. (i) reasonable wants of the claimant, (ii) if the

applicant/claimant is living separately, the justification for the same, (iv) value of the claimant's property and any income derived from such property, (v) income from claimant's own earning or from any other source.

83. Section 20(2) of the D.V. Act provides that the monetary relief granted to the aggrieved woman and/or the children must be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved woman was accustomed to in her matrimonial home.

84. The Delhi High Court in *Bharat Hedge v Smt. Saroj Hegde* (2007 SCC OnLine Del 622 (2007) 140 DLT 16] laid down the following factors to be considered for determining maintenance: (SCC OnLine Del para 8)

- "1. Status of the parties.
2. Reasonable wants of the claimant
3. The independent income and property of the claimant.
4. The number of persons, the non-applicant has to maintain.
5. The amount should aid the applicant to live in a similar lifestyle as he/she enjoyed in the matrimonial home.
6. Non-applicant's liabilities, if any.
7. Provisions for food, clothing, shelter, education, medical attendance and treatment etc. of the applicant.
8. Payment capacity of the non-applicant.
9. Some guess work is not ruled out while estimating the income of the non-applicant when all the sources or correct sources are not disclosed.
10. The non-applicant to defray the cost of litigation
11. The amount awarded u/s 125 Cr.PC is adjustable against the amount awarded u/ 24 of the Act."

85. Apart from the aforesaid factors enumerated hereinabove, certain additional factors would also be relevant for determining the quantum of maintenance payable."

9. On perusal of the documents produced in the petition, it is evident that the applicant, in her application under Section 125 CrPC, claimed that the respondent, Rahul Khubchandani, earns a substantial income from a wholesale and retail clothing business under the name "Manish Traders" at Tilda, District Raipur, amounting to approximately Rs. 1,00,000/- per day and Rs. 30,00,000/- per month. The applicant sought maintenance of Rs. 3,00,000/- per month on this basis. However, the respondent has categorically denied the existence of any such business and stated that he has been engaged in bookkeeping and clerical work for several years, earning a monthly salary of only Rs. 9,000/-. In such circumstances, the applicant bore the burden of proving the income of the respondent by leading clear and reliable evidence. The record shows that she failed to produce credible material to substantiate her claim regarding the alleged business and income of the respondent. While an interim order had initially granted maintenance of Rs. 12,000/- per month based on prima facie assertions, the evidence presented during the course of the proceedings does not support the claimed income. Considering the material on record and the evidence regarding the respondent's earnings, the Family Court finds that the applicant has not discharged her burden of proof, and accordingly, an amount of Rs. 10,000/- has

been awarded in her favour as maintenance, payable from the date of application.

10. In view of the facts and circumstances of the case and also in view of the judgment of the Hon'ble Supreme Court passed in the case of "**Smt. Anju Garg**" (supra) and "**Rajnish**" (supra), this Court do not find any illegality, perversity or jurisdictional error in the impugned order passed by the learned Family Court. Accordingly, the criminal revision fails and is hereby **dismissed**.

Sd/-
(**Ravindra Kumar Agrawal**)
JUDGE

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