



2025:CGHC:47293

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 470 of 2020**

Shakuntala, W/o Shri Krishna Das Mahant, Aged About 55 Years R/o Village - Shingitarai, Police Station And Tehsil - Dabhra, District : Janjgir-Champa, Chhattisgarh.

... Applicant**versus**

Krishna Das S/o Shri Anand Ram, Aged About 58 Years R/o Minus Quarter No. 577, Sector - B, Dudhichuwa, District : Singhrouli, Madhya Pradesh.

... Respondent

For Applicant : Mr. Surfaraj Khan, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****15.09.2025**

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

"It is therefore, prayed that the Revision may kindly be allowed and the impugned order dated 09.12.2019, passed by the Court learned Family Judge (Family Court (Circuit)), Sakti, may kindly be set aside by remanding the matter back to the court below for hearing and for recovering the due amount of maintenance, as per section 125 (3) of

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Cr.P.C. or/and in alternative prayer, this Hon'ble Court may kindly be pleased to direct the respondent to pay the due amount of maintenance, in the interest of Justice.”

2. The facts, in brief, are that the applicant is the legally wedded wife of the respondent, and their marriage was solemnized as per Hindu rites and rituals. After a few months of marriage, the respondent started subjecting the applicant to cruelty and ultimately deserted her without any just or cogent reason. Consequently, the applicant filed an application under Section 125 of the Code of Criminal Procedure before the Learned J.M.F.C., Sakti (then State of Madhya Pradesh), registered as Misc. Criminal Case No. 184/1996, seeking maintenance. By order dated 06.11.1996, the learned Magistrate allowed the application and awarded maintenance of Rs. 500/- per month in favor of the applicant. Thereafter, as the respondent failed to pay the due maintenance, the applicant moved an application under Section 125(3) of the Cr.P.C. before the Family Court, Sakti, for recovery of the arrears and for initiating action against the respondent. However, by order dated 19.12.2019, the learned Family Court rejected the said application, aggrieved by which the present revision has been preferred.
3. Learned counsel appearing for the applicant submits that the impugned order (Annexure A-1) passed by the learned Family Court suffers from material irregularities and non-application of mind. It is contended that the application under Section 125(3) of the Cr.P.C. requires proper opportunity to lead evidence through documents

and witnesses; however, the learned Family Court failed to grant such an opportunity and rejected the application in a hurried manner, thereby pushing the applicant into starvation, vagrancy, and destitution. It is further submitted that the learned Judge overlooked the miserable condition of the applicant and arrived at an erroneous conclusion without considering the purpose and intent of Sections 125 to 128 of the Cr.P.C., which are beneficial provisions enacted to safeguard the rights of neglected wives, children, and parents. The applicant was not allowed to adduce material evidence that would have demonstrated how the respondent has failed to fulfill his legal and moral duty to maintain her. Thus, the finding of the learned Family Court is contrary to the evidence on record, perverse in nature, and liable to be set aside by this Hon'ble Court.

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 the applicant is the legally wedded wife of the respondent, and their marriage was solemnized as per Hindu rites and rituals. After a few months of marriage, the respondent allegedly subjected the applicant to cruelty and deserted her without just cause. Thereafter, the applicant filed an application under Section 125 of the Code of Criminal Procedure before the Learned J.M.F.C., Sakti (then State of Madhya Pradesh), registered as Misc. Criminal Case No. 184/1996, seeking maintenance. By order dated 06.11.1996, the learned Magistrate allowed the application and awarded

maintenance of Rs. 500/- per month in favor of the applicant. Subsequently, when the respondent allegedly failed to pay the maintenance amount, the applicant moved an application under Section 125(3) of the Cr.P.C. before the Family Court, Sakti, seeking recovery of arrears and action against the respondent. Upon careful consideration of the facts, pleadings, and material on record, the learned Family Court found no sufficient ground to allow the application and held that the applicant had failed to establish her claim for enforcement under Section 125(3). Accordingly, by a reasoned order dated 19.12.2019, the learned Family Court rightly rejected the application.

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 as well as original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice