



2025:CGHC:38436



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 403 of 2022**

Smt. Janki Bai Patel W/o Shri Khamhan Patel Aged About 50 Years R/o
Village - Semariya, Tahsil - Thankhamhariya, Thana/ District - Bemetara
(C.G.)

... Applicant(s)**versus**

Khamhan Patel S/o Late Sanvant Patel Aged About 60 Years R/o
Village - Semariya, Tahsil - Thankhamhariya, Thana/ District - Bemetara
(C.G.)

... Respondent(s)

For Applicant(s) : Mr. Samir Singh, Advocate

For Respondent(s) : Mr. Varunendra Mishra, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****04.08.2025**

1. Heard Mr. Samir Singh, learned counsel for the applicant as well as Mr. Varunendra Mishra, learned counsel for the respondent.
2. The applicant has filed this criminal revision against the order dated 03.03.2022 passed by learned Judge, Family Court, Bemetara (C.G.) in Cr. M.J.C. Case No. 150/2021, whereby the



learned Family Court has rejected the application under Section 125 CrPC filed by the applicant.

3. Brief facts necessary for disposal of this revision are that the applicant and respondent are the husband and wife and the marriage of the parties was taken nine years back as per the custom prevailing in the community and then both the parties started residing together as husband and wife. The applicant was separated from her former husband and respondent's former wife passed away. Thereafter, the respondent started harassing the applicant everyday in the name of food and drink and started abusing and beating her. The respondent then beat her and threw her out of this house one year ago and since then she is residing alone. The applicant submitted a complaint in the Women Cell Bemetara, then the officials of the Women Cell explained to the respondent and he agreed to keep the applicant with him. After this, the respondent also executed an agreement between both the parties, in which it was agreed to give 60 decimal land out of the land Khasra No. 531 area 0.64 hectare situated in village Semaria, District Bemetara to the applicant, but the respondent has not given the said land to the applicant till date, he only provided a room in another house adjoining his house, in which the applicant lives alone. As such, she preferred an application under Section 125 of the Cr.P.C. The learned Family Court after appreciating the evidence dismissed the application, though the applicant is entitled for maintenance of Rs. 5,000/- per month.



4. Learned counsel for the applicant submits that the impugned order dated 03.03.2022 passed by the learned Family Court, Bemetara, is bad, illegal, perverse, and contrary to the law and evidence available on record, and therefore deserves to be set aside. The learned trial Court has committed an error in holding that the present applicant is not the legally wedded wife of the respondent, despite the Ekrarnama dated 16.04.2019 (Ex.P-01) clearly establishing this fact. Furthermore, the learned Family Court failed to appreciate the application of the applicant in its proper perspective and also erred in observing the facts brought forth by the applicant. The learned trial Court has further failed to appreciate the evidence available on record and has committed an error in holding that the applicant is not entitled to receive maintenance, given her status as the wife of the respondent. Considering the facts and circumstances of the case, as well as the income of the respondent, the applicant is entitled to maintenance of Rs. 5,000/- per month.
5. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
6. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.



7. From perusal of the impugned order, it becomes evident that the Family Court has rejected the applicant's application filed under Section 125 of the Criminal Procedure Code (Cr.P.C), citing several key reasons for its decision. Specifically, the Court noted that there is a lack of documentary evidence to substantiate the applicant's claims of harassment by the respondent. Furthermore, the Court determined that the applicant has not established her status as the legally married wife of the respondent, which is a crucial factor in determining eligibility for maintenance. Additionally, the Court observed that the applicant appears to be capable of supporting herself financially. Given these findings, the Family Court concluded that the applicant is not entitled to receive maintenance from the respondent.
8. Considering the submissions advanced by the learned counsel for the parties 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.
9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(**Ramesh Sinha**)
Chief Justice