



2025:CGHC:38883



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 448 of 2023

Smt. Sandhya Kumari W/o Deepak Kumar Sahu Aged About 28 Years
D/o Kaleshwar Sahu Caste Sahu R/o Devnandan Nagar, Ward No. 42,
Phase- 2, Police Station Sarkanda, Bilaspur District- Bilaspur
Chhattisgarh. At Present R/o Village Bodsara, Police Station And Tahsil-
Janjgir, District : Janjgir-Champa, Chhattisgarh

... Applicant(s)

versus

Deepak Kumar Sahu S/o Nawal Sahu Aged About 35 Years Caste Sahu
R/o Devnandan Nagar, Ward No. 42, Phase-2, Police Station Sarkanda
Bilaspur, District : Bilaspur, Chhattisgarh

... Non-applicant(s)

For Applicant : Mr. F.S. Khare, Advocate.

For Non-applicant : Mr. S.P. Sannat, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

05.08.2025

1. Heard Mr. F.S. Khare, learned counsel, appearing for the applicant.
Also heard Mr. S.P. Sannat, learned counsel for the Non-applicant.
2. By way of this revision, the applicant has prayed for following relief:-

*"It is therefore prayed that this Hon'ble Court may kindly be
pleased to allow this revision and be pleased to
set-aside/quash the impugned order dated 06.03.2023*



passed by learned Family Court, Janjgir, Distt. Janjgir-Champa (C.G.), in Misc. Cr. Case No. 239/2022 and accordingly grant maintenance amount Rs. 30,000/- per month to the applicant, in the interest of justice.”

3. Facts of the case are that the marriage of the applicant and the non-applicant was took place on 05.12.2014 as per Hindu Customs at Bodsara, Distt. Janjgir-Champa at the time of marriage the applicant's parents gave sufficient articles to the non-applicant at the time of marriage. After marriage, out of their wedlock, one son namely Atharv Sahu and one daughter Ku. Arti Sahu born. After some time, the non-applicant tortured the applicant for demand of dowry and committed marpit with her. Thereafter the applicant called her parents and when the parents claim on 19.12.2020. Then the non-applicant also given threatening of dire consequences and thereby got signature of parents in some papers and thereafter told the applicant to go alongwith her parents. Thereafter on 25.12.2020 the non-applicant came to her parents house on pretext compromise illegally taken the children alongwith him. When the applicant went to the house of non-applicant for residing with him then the non-applicant defamed her and thrown out the applicant from the house. It is further alleged that the applicant is not having the sufficient income for maintenance. The non-applicant who is husband is having business and thereby he is earning Rs. 2,00,000/- per month. Therefore, she filed an application u/s 125 of Cr.P.C. before the learned Family Court, sought maintenance of Rs. 30,000/- per month from the non-applicant.



4. After serving notice, the non-applicant did not appear and he is ex-parte and not filed any reply to the application for maintenance. The applicant examined herself and also examined her witnesses and also produce the documentary evidence and it is also pertinent to mention here that the non-applicant/husband also filed a divorce petition before the learned Family Court at Bilaspur.
5. After appreciating the evidence and documents available on record, the learned Family Court has passed an order dated 06.03.2023, whereby rejected the application of the applicant on the ground that she has failed to prove her case further without any sufficient cause she is residing separately, therefore she is not entitled for maintenance amount. Hence, this revision.
6. Learned counsel for the applicant submits that the learned Family Court has failed to see the settled provisions of law for grant of maintenance and thereby committed grave mistake while rejecting the application u/s 125 of Cr.P.C. The notice has been issued against the non-applicant by the Family Court with respect to the application and the non-applicant appeared before the Family Court and filed the written statement stating that she herself not willing to live married life with the non-applicant and due to dispute a family partition was taken place between the Non-applicant and his father and the applicant having illicit relation with one Muralidhar Chandra and further it is mentioned in the reply that in the community meeting dated 11.03.2018 applicant accepted about the illicit relation with Murlidhar Chandra therefore she did not entitled for any amount of maintenance and prayed for dismissal of the



application. He further submits that the learned Family Court failed to see that the husband/non-applicant has committed cruelty and thrown out the applicant from the house, therefore there was sufficient reason for the applicant to reside in her parental house. Therefore, he prays that the impugned order deserves to be set-aside.

7. On the other hand, learned counsel for the non-applicant opposes the submissions made by the learned counsel for the applicant and submits that the learned Family Court after considering all the documents and evidence adduced by the parties has rightly passed the order, in which no interference is called for.
8. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
9. Considering the evidence and overall circumstances of the case, the Family Court has rightly held that the applicant failed to establish the essential prerequisites for claiming maintenance under Section 125 of the Criminal Procedure Code. It has been observed that the wife is residing separately from her husband without any justifiable or sufficient cause. A fundamental condition for claiming maintenance, that the husband has given cause or compelled the wife to live separately, has not been satisfactorily proved by the applicant. In the absence of such proof, the applicant cannot be deemed entitled to maintenance. The Family Court, upon a thorough examination of the pleadings and the evidence on record, has arrived at a well-reasoned, lawful, and justified conclusion in dismissing the claim for maintenance.



- 10.** Taking into account the facts and circumstance of the case, this Court is of the opinion that the learned Family Court concerned has rightly passed the impugned judgment, I do not find any illegality or infirmity in the impugned order passed by the learned Family Court. No interference is called for. The applicant has failed to raise any ground so as to warrant interference by this Court.
- 11.** Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
- 12.** The Registrar (Judicial) is directed to transmit the record of the present case to the concerned trial Court within a week from today for necessary compliance and followup action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice