



2026:CGHC:4192



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 490 of 2024

Mahmood Baig S/o Late Anwar Baig Aged About 60 Years R/o 959, Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh

... Applicant

versus

1. Smt. Anisa Parween W/o Mahmood Baig Aged About 46 Years R/o Friends Colony, Mowa, Raipur, Tehsil And District- Raipur, Chhattisgarh
2. Azhaan S/o Mahmood Baig Aged About 25 Years R/o Friends Colony, Mowa, Raipur, Tehsil And District- Raipur, Chhattisgarh
3. Areesha D/o Mahmood Baig Aged About 24 Years R/o Friends Colony, Mowa, Raipur, Tehsil And District- Raipur, Chhattisgarh
4. Afaan (Minor) S/o Mahmood Baig Aged About 16 Years Through Mother Smt. Anisa Parween, Wife Of Mahmood Baig, R/o Friends Colony, Mowa, Raipur, Tehsil and District- Raipur, Chhattisgarh

... Respondents

For Applicant	: Mr. Chandradeep Prasad, Advocate.
For Respondents	: Ms. Ruchi Nagar, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. This Criminal Revision is being aggrieved of the judgment dated 29.02.2024 passed by the learned 2nd Additional Principal Judge, Family Court, Raipur, (C.G.) in Misc. Criminal Case No. 717/2018, whereby the learned Family Court has partly allowed the application under Section 125 of the CrPC filed by the respondents, and directed the applicant/husband



that he has to pay the amount of Rs.5,000/- per month each to the respondent Nos. 2 to 4 and rejected the application of respondent No.1/wife.

2. The facts, in brief, is that applicant and respondent No.1 herein are husband and wife. They were married on 14.01.2000 at Raipur. Thereafter, on 05.03.2000, they went to Qatar, as the applicant was working there, and lived together as husband and wife till 08.09.2017. Out of the said wedlock, respondent Nos. 2 to 4 were born. The respondent filed an application under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance from the applicant/husband. In the said application, the respondent stated that the applicant had deserted her without any reasonable cause. It was further stated that the applicant earns Rs.2,00,000/- per month, and therefore he should be directed to pay Rs.1,50,000/- per month towards maintenance to respondent Nos. 2 to 4. It is an admitted fact that respondent No.1 is an earning wife. The respondent also filed an application for interim maintenance. After issuance of summons, the applicant appeared before the learned Court below and filed a reply to the respondent's application, denying the averments made therein. The applicant specifically pleaded that the respondent/wife, due to her rigid nature, left the matrimonial home on her own along with the children without any sufficient cause, and therefore prayed for dismissal of the applications filed by the respondent/wife. The learned Family Court, after considering the records, evidence, and pleadings of both parties, passed the impugned order dated 29.02.2024 (Annexure A/1), thereby directing the applicant to pay Rs.5,000/- per month each to respondent Nos. 2 to 4.
3. Learned counsel appearing for the applicant submits that the order passed by the learned Court below is perverse, unsustainable in law, and



contrary to the facts and circumstances of the case. The learned Family Court has erroneously appreciated the income of the respondent, relying upon incorrect statements regarding income allegedly generated through interest from Fixed Deposit Receipts (FDRs). The learned Family Court has misapplied the law and misread the facts available on record. The learned Family Court has failed to appreciate the facts and documents on record, which clearly establish that the entire lifetime savings of the applicant had already been utilized and exhausted by the respondent and her parents. The learned Family Court has failed to assess the actual income of the respondent, who is working with private firms and is earning more than the applicant. The learned Family Court ought to have considered that the respondent never disclosed her movable and immovable properties, which were purchased from the income of the applicant. The learned Family Court failed to consider that the applicant had transferred his entire life savings to the bank account of the respondent, created a Fixed Deposit of Rs.10,00,000/-, and also opened a locker in the respondent's name, wherein gold ornaments purchased by the applicant were deposited. The learned Family Court failed to consider that the applicant is presently living hand to mouth, and it would be extremely difficult for him to comply with the impugned order dated 29.02.2024, without considering his present financial condition. The learned Family Court failed to appreciate that on the date of passing of the impugned order dated 29.02.2024, respondent Nos. 2 and 3 had already attained majority, and therefore were not entitled to maintenance under law. The learned Family Court has failed to exercise the jurisdiction vested in it by law, or in the alternative, has exercised such jurisdiction with material irregularity.



4. On the other hand, learned counsel for the respondents 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.
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, and considering the conditions of both the parties, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.
7. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
8. Let a certified copy of this order as well as original record of this case be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice