



2026:CGHC:3099



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 647 of 2023

Virendra Sarthi S/o Bhola Prasad Sarthi Aged About 38 Years Hostel Superintend Of Boys Hostel, R/o Village Labji, P.S. And Tehsil Sonhat, District Korea, Chhattisgarh.

... Applicant

versus

1 - Smt. Jyoti Sarthi W/o Virendra Sarthi Aged About 35 Years R/o Village New Ledri Sarai Dafai, Ward Number 09, P.S. Jhagrakhand, Tehsil Manendragarh, District Korea, Chhattisgarh.

2 - Tarun Kumar Sarthi S/o Virendra Sarthi Aged About 7 Years R/o Village New Ledri Sarai Dafai, Ward Number 09, P.S. Jhagrakhand, Tehsil Manendragarh, District Korea, Chhattisgarh.

... Respondents

For Applicant : Ms. Mandwi Bharadwaj, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19.01.2026

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

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to call the entire record from the courts below as well as Your Lordship may kindly be pleased to allow this



revision and set aside the impugned order dated 19.04.2023, passed in M.Cr.C. 154/2021 Smt. Jyoti Sarthi & Other Vs. Virendra Sarthi by The Judge, Family Court, Manendragarh District Korea (C.G.), Any other relief/s which the Hon'ble Court deems fit in the facts and circumstances of the case, be also granted in favour of the petitioner in the interest of justice.”

2. The facts of the case, in brief, are that the respondents filed an application under Section 125 of the Cr.P.C., stating that respondent number 1 is the wife of the applicant and respondent number 2 is their minor child. It was alleged that after solemnization of the marriage, respondent number 1 faced cruelty and harassment from the applicant and his family, including physical abuse, demand for dowry, and pressure to abort the pregnancy in 2014. Further, it was contended that after the birth of respondent number 2, the applicant demanded Rs. 7,00,000 as dowry and threatened to contract a second marriage if the demand was not met. The respondents sought maintenance of Rs. 10,000 per month for respondent number 1 and Rs. 7,000 per month for respondent number 2. The applicant filed a reply denying all allegations, stating that respondent number 1 voluntarily chose to live separately and that he never demanded dowry or subjected her to cruelty. He further submitted that he earns Rs. 32,000 per month, of which Rs. 15,500 is already deducted towards loans, and requested dismissal



of the application. The learned Family Court, however, allowed the application and ordered the applicant to pay Rs. 7,000 per month for respondent number 1 and Rs. 2,000 per month for respondent number 2 on 19.04.2023. Being aggrieved by the said order, the applicant has preferred the present revision petition.

3. Learned counsel for the applicant submits that the learned Family Court has erred both on facts and in law in allowing the application for maintenance. It is submitted that the applicant's monthly income is barely Rs. 32,000/-, of which Rs. 15,500/- is deducted towards loans, and he also bears the responsibility of his elderly parents aged 60 and 65 years, as well as his divorcee sister and her three children (Annexure P/2 Colly). The applicant has been regularly paying the school fees and fulfilling all the requirements of respondent number 2 (Annexure P/3 Colly). It is further submitted that respondent number 1 has admitted in her cross-examination that she resides with the applicant's family and that her own family circumstances necessitated her stay separately. Moreover, the respondents' own witness, Monu Kumar Sarathi (AW/2), admitted that the applicant arranged accommodation for respondent number 1 at Ledri to avoid inconvenience, continues to bear the expenses of the child's education, and that respondent number 1 currently lives in the house provided by the applicant (Annexure P/4). Another witness, Sahiba (NA No.2), deposed that respondent number 1 did not wish to live with the applicant at Sonhat and preferred to stay at her parental home, which led to disputes (Annexure P/5). It is submitted that the respondents are living separately without any



sufficient reason attributable to the applicant and filed the application on frivolous and false grounds. Therefore, they are not entitled to any relief, and the present revision is filed well within the period of limitation.

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 learned Family Court, after considering the submissions of the parties and the material on record, has rightly allowed the application under Section 125 of the Cr.P.C. filed by the respondents. The Court has noted that respondent number 1 is the legally wedded wife of the applicant and respondent number 2 is their minor child, and that both are entitled to maintenance for their sustenance and well-being. The learned Court, taking into account the applicant's income, obligations, and the needs of the respondents, has justly directed payment of Rs. 7,000 per month for respondent number 1 and Rs. 2,000 per month for respondent number 2.
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 certified copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan