



2026:CGHC:4221

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 654 of 2023**

Nalkumar Chouhan Son Of Dheerja Ram, Aged About 33 Years Occupation - Business And Transporting R/o. Village Goriya P.S. Narayanpur, Tahsil Kunkuri, District Jashpur Chhattisgarh

**... Applicant****versus**

1. Smt. Kunti Chouhan Wife of Nalkumar Chouhan, Aged About 24 Years, R/o Village Goriya P.S. Narayanpr, Tahsil Kunkuri, District Jashpur Chhattisgarh
2. Awavya Chouhan, Daughter of Nalkumar Chouhan, Aged About 3 Years Resident of Village Goriya P.S. Narayanpr, Tahsil Kunkuri, District Jashpur Chhattisgarh -- Minor Through Legal Natural Guardian Mother Kunti Guardian Mother Kunti Chouhan, Wife of Nalkumar Chouhan.

**... Respondents**


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For Applicant : Mr. Vikash A. Shrivastava, Advocate.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****23.01.2026**

1. Heard Mr. Vikash A. Shrivastava, learned counsel, appearing for the applicant.
2. The present revision has been filed by the applicant with the following prayer:

*"It is therefore, that this Hon'ble Court may kindly  
be pleased to allowed criminal revision and set-aside*



*the impugned order dated 06.05.2023, in the interest of justice.”*

3. Brief facts of the case the respondents filed an application under Section 125 of the Cr.P.C. before the learned Family Court, Jashpur, Chhattisgarh, alleging that the parties were residing in the same village. It was alleged that on 07.08.2017, at about 9:00 PM on the occasion of Raksha Bandhan, respondent No. 1 went to the toilet, and while she was returning, the applicant came there, caught hold of her hand, used filthy language, and committed sexual intercourse with her twice near a mango tree. It was further alleged that the applicant threatened her not to disclose the said incident and thereafter fled from the spot. As a result of the said incident, respondent No. 1 became pregnant. It is further alleged that thereafter the marriage between respondent No. 1 and the applicant was solemnized at Shiv Mandir, and respondent No. 1 started residing at the house of the applicant as his wife. It is further alleged that after 4–5 days of marriage, the applicant and his family members harassed and mentally tortured respondent No. 1, due to which she left the applicant's house. It is also alleged that respondent No. 1 has no source of income, whereas the applicant is a cultivator and owner of a tractor, Bolero, and motorcycle, and earns about Rs. 50,000–60,000/- per month. Hence, the respondents filed an application under Section 125 of the Cr.P.C. seeking maintenance of Rs. 23,000/- per month.
4. The applicant filed his reply to the said application and denied all the averments made therein.
5. Learned Family Court, after framing issues and recording the statements of the parties, partly allowed the application under Section 125 of the Cr.P.C. and granted maintenance of Rs. 4,000/- per month in favour of respondent No. 2, without properly considering the facts and material



available on record, vide impugned order dated 06.05.2023.

6. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is arbitrary, illegal, and contrary to the evidence and documents submitted by the applicant. Learned Family Court has rightly rejected the maintenance claim of respondent No. 1, but has wrongly allowed maintenance in favour of respondent No. 2, contrary to the material available on record; hence, the impugned maintenance order is liable to be quashed. He submits that the alleged date of incident is 07.08.2017, whereas the date of birth of the child, i.e., respondent No. 2, is 24.02.2018, which clearly shows that the applicant is not the father of respondent No. 2. Therefore, the maintenance granted in favour of respondent No. 2 is liable to be set aside. After about four months of the alleged incident, respondent No. 1 concocted a false story and lodged a false FIR against the applicant for offences under Sections 506 and 376 of the Indian Penal Code. Thereafter, the learned Upper Sessions Judge, Kunkuri, District Jashpur, Chhattisgarh, after recording evidence and framing issues, acquitted the present applicant on the basis of false allegations vide judgment dated 27.07.2019. He further submits that the applicant filed a complaint before the police authorities against respondent No. 1 stating that after his acquittal, when the applicant intended to solemnize marriage and went to fix the marriage at Village Kerya, Block Thethaitanger, District Simdega, respondent No. 1 came to the said village and used filthy language and interfered with the marriage. Due to her interference, the applicant's marriage was broken, causing a loss of Rs. 2,00,000/- to the applicant and his family members. He submits that the applicant is suffering from abdominal illness and is undergoing continuous treatment for a long time. Therefore, the applicant is not able to work properly and is also not in a position to pay



maintenance. The applicant is a poor person and a Below Poverty Line (BPL) ration card has been issued to him by the concerned authorities. Further, the concerned authority has also issued a letter dated 12.04.2022 regarding the applicant's poverty status and prepared a Panchnama dated 04.03.2021. It is admitted that respondent No. 1 is working as a labourer and is also selling bangles, and she is able to maintain herself and respondent No. 2 from her own income. He also submits that the respondent No. 1 has failed to prove and produce any document regarding the income of the applicant. The maintenance amount awarded is on the higher side and is liable to be modified.

7. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.
8. Considering the submission advanced by the learned counsel for the applicant, materials available on record and also considering the price index and medical expenses, total amount awarded to the respondent No. 2 cannot be said to be shockingly on higher side warranting interference by this Court in the present revision petition.
9. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

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

Abhishek