



2026:CGHC:4219

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 674 of 2023

Smt. Janki Dheedhi W/o. Shri Purushottam Dheedhi, Aged About 30 Years R/o. Presently Village Kharora, Police Station Mahasamund, Tehsil And District Mahasamund Chhattisgarh.

... Applicant

versus

Purushottam Dheedhi S/o. Khemraj Dheedhi, Aged About 30 Years R/o. Village Aamavas, Police Station - Tumgoan, Tehsil And District Mahasamund Chhattisgarh.

... Respondent

For Applicant : Mr. Hemant Kumar Kesharwani, Advocate.

For Respondent : Mr. Shikhar Sharma, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. Heard Mr. Hemant Kumar Kesharwani, learned counsel, appearing for the applicant. Also heard Mr. Shikhar Sharma, learned counsel, appearing for the respondent.
2. The present revision has been filed by the applicants with the following prayer:

"It is, therefore, prayed that the Hon'ble High Court may kindly be pleased to set-aside the impugned order dated 12/04/2023 (ANNEXURE A/01) passed by the Family court Mahasamund in

Miscellaneous Criminal Case No. 72/2022 and allowed the application u/s 125 of criminal procedure code, in the interest of justice.”

3. Facts of the case are that the applicant is the legally wedded wife of the respondent, namely Purushottam Dheedhi. Their marriage was solemnized as per Hindu rites and customs on 28.04.2013 at Village Kharora, District Mahasamund (C.G.). After the marriage, the applicant resided at Village Kharora to continue her ITI course. After a few months of marriage, the respondent/husband started demanding dowry. Due to non-fulfilment of the said demand, the respondent subjected the applicant to cruelty by alleging that she was unable to conceive and that she was infertile. The respondent also made false allegations regarding the character of the applicant. Due to the aforesaid cruelty, the applicant has been residing at her parental house. The Applicant has no source of income. Therefore, she filed an application under Section 125 of the Code of Criminal Procedure for grant of maintenance on 13.06.2022, claiming Rs. 25,000/- per month as maintenance.
4. The respondent filed his reply stating that the applicant is residing at her parental house on her own accord and that she has a source of income. The respondent further stated that he has no source of income.
5. The learned Family Court, after recording the evidence of both the parties, rejected the application for grant of maintenance filed by the applicant on the ground that the applicant is educated and has deliberately kept herself away from employment.
6. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is contrary to the facts and circumstances of the case and the material available on record. He also submits that the learned Family Court has failed to consider the fact that

the applicant had no source of income at the time of filing the application. He further submits that the learned Family Court has also failed to consider that the applicant was subjected to cruelty and the respondent is not willing to keep the applicant as his wife. The respondent has also solemnized a second marriage. The appellant was unable to maintain herself at the time of filing the application, as she was unemployed. He submits that “capable of earning” and “actually earning” are different concepts, and merely because the wife is capable of earning does not constitute a sufficient ground to refuse the maintenance application. The learned Trial Court failed to appreciate that the husband has failed to lead any evidence regarding the income of the wife, and no presumption can be drawn that the wife is earning a sufficient amount to maintain herself merely on the basis of her educational qualifications.

7. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Family Court, Mahasamund (C.G.), in Misc. Criminal Case No. 72/2022.
8. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
9. From a perusal of the impugned order, it transpires that the learned Family Court, after considering all the documents and evidence adduced by the parties, rejected the application under Section 125 of the Cr.P.C. filed by the applicants, observing that the applicant is educated, has deliberately kept herself away from employment, and is living separately from the respondent without sufficient cause.
10. Considering the submission 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 learned Family Court has

not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.

- 11.** Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.

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

Abhishek