



2026:CGHC:3093



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 766 of 2023

Sarfaraz Ansari S/o. Mansoor Ansari, Aged About 29 Years R/o. Kuabhattha, Chowki Manikpur, Police Station Kotwali Korba, District Korba Chhattisgarh.

... Applicant(s)

versus

Anjum Parveen W/o. Sarfaraz Ansari, Aged About 27 Years R/o. Kudripara, Banki, Police Station Bankimongara, Tahsil Katghora, District Korba Chhattisgarh.

... Respondent(s)

For Applicant(s) : Mr. Rupendra Kumar Dewangan, Advocate.
For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19/01/2026

1. The applicant has filed this criminal revision against the order dated 29.04.2023 passed by learned Family Court, Camp Court, Katghora, District – Korba (C.G.) in Misc. Criminal Case No.40/2022, whereby, the learned Family Court partly allowed the



application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.7,000/- per month to respondent towards maintenance.

2. Brief facts necessary for disposal of this revision are that the respondent–wife filed an application under Section 125 of the Code of Criminal Procedure, 1973 seeking maintenance of Rs. 30,000/- per month, alleging that her marriage with the applicant–husband was solemnized according to rituals and customs at Bankimongara, District Korba (C.G.), and that they thereafter lived together as husband and wife. She alleged that after marriage she was subjected to cruelty, dowry harassment, and physical assault by the husband and his family members, due to which she was expelled from the matrimonial home and since then has been residing at her parental house. She further alleged that the husband has an extra-marital relationship, has neglected to maintain her, and earns about Rs. 1,00,000/- per month as a car mechanic, while his father is a contractor earning substantial income. The applicant–husband filed his reply denying the allegations of cruelty, dowry demand, and extra-marital relationship, and contended that the wife left the matrimonial home voluntarily without sufficient cause and refused to return despite his efforts. He claimed that he is only a labourer with no fixed monthly income and has no agricultural land. Both parties led evidence in support of their respective cases. Upon hearing the parties, the learned Family Court, by order dated 29.04.2023,



partly allowed the wife's application and awarded maintenance of Rs. 7,000/- per month. Aggrieved by the said order, the applicant-husband has preferred the present revision challenging its legality and correctness.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is illegal, erroneous, and contrary to law, as well as perverse to the evidence available on record, and therefore liable to be set aside. The learned Court erred in allowing the application under Section 125 Cr.P.C. despite the fact that the respondent-wife has an independent source of income and is capable of maintaining herself, which disentitles her from claiming maintenance. He further submits that the learned Family Court further failed to appreciate that the respondent-wife did not prove the allegations of dowry demand, cruelty, or extra-marital relationship against the petitioner. No cogent oral or documentary evidence was brought on record to substantiate these allegations, nor were any independent witnesses examined, including the alleged women with whom the petitioner was claimed to have illicit relations. The allegations remained vague and unsubstantiated, yet were erroneously accepted by the Court below. He also submits that the learned Court wrongly held that the respondent-wife was living separately for sufficient reasons, whereas the evidence on record clearly shows that she left the matrimonial home voluntarily without any just cause and refused to return despite the petitioner's willingness to cohabit. The



learned Court also fixed the maintenance amount without proper assessment or proof of the petitioner's income. In view of these facts, the application for maintenance ought to have been dismissed in entirety.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.7,000/- per month to respondent towards maintenance observing the evidence, which shows that the respondent, Mrs. Anjum Parveen, has been living separately from the applicant, Mr. Sarfaraz Ansari, since December 2020 due to harassment, dowry demands, and the respondent's extramarital relationship. Despite attempts at reconciliation through social meetings and agreements, the applicant failed to provide proper care or maintenance. The Court further observed that the respondent is unable to maintain herself, while the applicant earns a substantial income from his work and family assets. Therefore, the respondent is entitled to maintenance as aforementioned, which cannot be said to be on higher side.
6. Considering the submissions 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 revision being devoid of merit is liable to be and is hereby **dismissed**.
8. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil