



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 915 of 2023

1 - Smt. Aneeta Dhuri @ Neeta Dhuri W/o Shri Bhagwat Prasad Dhuri Aged About 39 Years R/o Patel Mohalla, Ward No. 9, Takhatpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

2 - Kamini Dhuri D/o Shri Bhagwat Prasad Dhuri Aged About 21 Years R/o Patel Mohalla, Ward No. 9, Takhatpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

3 - Sharad Dhuri S/o Shri Bhagwat Prasad Dhuri Aged About 15 Years R/o Patel Mohalla, Ward No. 9, Takhatpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

4 - Ravi Dhuri S/o Shri Bhagwat Prasad Dhuri Aged About 13 Years R/o Patel Mohalla, Ward No. 9, Takhatpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

... Applicants

versus

Bhagwat Prasad Dhuri S/o Shri Tularam Dhuri Aged About 41 Years R/o Village Khamtari, Police Station Sarkanda Tahsil And District Bilaspur Chhattisgarh Permanent Address Village Amora, P.S. Jarhagaon, District Mungeli Chhattisgarh

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For Applicants	: Mr. Wasim Miyan, Advocate.
For Respondent	: Ms. Pushpa Dwivedi, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

- 1.** Heard Mr. Wasim Miyan, learned counsel for the applicants. Also heard Ms. Pushpa Dwivedi, learned counsel for the respondent.
- 2.** This Criminal Revision is being aggrieved of the order dated 24.08.2021 passed by the learned Family Court, Bilaspur, District – Bilaspur (C.G.) in Misc. Criminal Case No. 789/2019, whereby the learned Family Court, partly allowed the application under Section 125



of CrPC, and directed the respondent that he has to pay the allowance of maintenance at the rate of Rs. 500/- to the applicant No.1 and Rs. 300/- each to the applicants No. 2 to 4 per month.

3. The prosecution story in brief is that the applicants have submitted an application under section 125 of the CrPC for the order of maintenance against the respondent before the Family Court Bilaspur. The contention of the application of the applicants under section 125 of the Code of Criminal Procedure was that the marriage of the applicant No.01 was solemnized with the non applicant about 20 years ago according to Hindu customs. From their married life, three children were born i.e. applicant 2 to 4, who are residing at the address of applicant 1. The applicant was kept well for three years after the respondent marriage. After that, the non applicant was fighting and abusing with the applicant No.1. The non applicant is a very drunken and suspicious person, due to which he used to beat up suspecting the character of the applicant No. 1 after drinking alcohol. The applicant No.1 is a woman educated only up to 2nd standard, who used to live with the respondent thinking that she is a village housewife, does not know much about worldly affairs and is interested in 'small Where will she go with the children, In this way, even after being so ruthless and cruel to the applicant, she was living with him.
4. The further plea of the applicant is that on 08.12.2016, the applicant had gone to Patel Mohalla ward No. 9 and a few months before this, the applicant 01 was badly beaten up by the respondent at Khamtarai, the immediate residence, due to which the applicant No. 1 suffered ribs injuries. The applicants were evicted from the house by the respondent



since then, the applicant 1 is living with the children in her parental home. After a few months, the applicants were taken back after being persuaded again by the respondent and the people of the society. After a year, the applicant and her three children were again assaulted by the respondent, on which a complaint was made by of the applicant in the Women's Counseling Center Mungeli, then the Women's Counseling Center Mungeli advised to go to the court.

5. The further plea of the applicant is that the respondent is a mason, building contractor and house centering wood, from which he earns about Rs. 28,000-30,000/-, additional income is also derived from the agricultural land in which the respondent gets a share and the applicant No.1 is a less educated, helpless woman who is currently living with her children in her maternal home. Where the education, initiation, upbringing etc. of the applicant from 02 to 04 is being done by the applicant No.1 with great difficulty. While it is the moral obligation of the respondent to properly maintain the applicants, despite this, the respondent is not providing any amount for maintenance to the applicants in any way. Accordingly, the applicant has prayed for a monthly maintenance allowance of Rs. 12,000/- from the respondent and Rs.2000-2000 each for the applicants from 02 to 04.
6. The Ex-parte action has been taken against the respondent for being absent on 18.07.2023 after being given his presence. After recording the statement of applicants the learned Family Court has passed the order of maintenance for applicant No. 1, Rs. 500/- and for 2 to 4 Rs. 300-300/- each. Hence, this revision.



- 7.** Learned counsel appearing for the applicant submits that the impugned order is contrary to the facts, law and circumstances of this case. It is submitted that the applicant No.1 is residing with her parents along with applicants No.2 to 4 and since then the parents are bearing the expenses/burden of the applicants with difficulty as they are not economically sound. Therefore, the impugned order is contrary to the facts, and the same is liable to be modified.
- 8.** On the other hand, learned counsel for the respondent opposes the submissions advanced by the learned counsel for the applicant and supports the impugned order dated 24.08.2021 passed by the learned Family Court, Bilaspur, District – Bilaspur (C.G.) in Misc. Criminal Case No. 789/2019, whereby the learned Family Court, partly allowed the application under Section 125 of CrPC, and directed the respondent that he has to pay the allowance of maintenance at the rate of Rs. 500/- to the applicant No.1 and Rs. 300/- each to the applicants No. 2 to 4 per month, and he further submits that there is no illegality and infirmity while passing the same, therefore, the instant revision filed by the applicant/complainant is devoid of merits and is liable to be dismissed.
- 9.** I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
- 10.** Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the order of the Family Court, it transpires that no any good ground has been raised on merits by the applicants' side, thus, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, 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.

- 11.** Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
- 12.** Let a certified copy of this order as well as original records be transmitted to the concerned trial Court for necessary compliance and follow up action, if any.

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

Rajshekhar