



2026:CGHC:3687



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1152 of 2023

Sanjay Kumar Kashyap S/o Ghasiya Ram Aged About 30 Years Caste- Kurmi,
Residing At Pandopara Colliery, Patna, Thana- Patna, District- Manendragarh-
Chirmiri- Bharatpur (M.C.B.), Chhattisgarh

... Applicant

versus

Smt. Rajkumari W/o Sanjay Kumar Kashyap Aged About 26 Years Caste-
Kurmi, Residing At Azad Nagar, Godripara, Thana- Chirmiri, District-
Manendragarh- Chirmiri- Bharatpur (M.C.B.), Chhattisgarh

... Respondent

For Applicant : Mr. Abhinav Dubey, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This Criminal Revision is being aggrieved of the judgment dated 20.09.2023 passed by the learned Family Court, Manendragarh, District – Korla (C.G.) now District - Manendragarh-Chirmiri-Bharatpur (C.G.) in Miscellaneous Criminal Case No. 141/2022, whereby the learned Family Court allowed the application under Section 125 of the CrPC filed by the respondent, and ordered the applicant/husband that he has to pay the amount of Rs.3,000/- per month to the applicant per month.
2. The facts, in brief, is that as per the contents of the parties laid before the learned Family Court- Manendragarh, both applicant and respondent got married on 13.07.2021 as per Hindu Rituals. As per the fact laid by the applicant before the learned Family Court, it is alleged that after few



months of marriage, the respondent and his family members were demanding dowry from her and her family and the respondent in pursuance to put pressure on her was also committing cruelty against her by committing unnatural sex against her will. The applicant has alleged before the learned trial court that her husband while committing cruelty against her gave her poison after which she was taken to hospital where the concerned hospital referred her to Bilaspur. Thereafter when she recovered to normal, her family members discharged her from the hospital and took her back home. The applicant is living with her parent's ever since then, even though the respondent came to take her back and has always wished live together with her. The applicant has also alleged that the respondent was working as a data entry operator and was earning Rs 35-40 Thousand and also has some valuable land form which he earns Rs 4-5 Lakhs yearly, but none of such allegation were proved. In fact, he is jobless and has been preparing for competitive examinations.

3. In reply the respondent herein applicant, besides the existence of marriage, denied all the allegation made by the applicant in his application and alleged before the trial court that after first day of marriage she called her brother-in-law (Jijaji) and said that she didn't want to live there and requested him to take her back. That in between, some Ram Chandra and her brother-in-law came to visit him and the matter was discussed before the people of his village after which her brother-in-law refused to take her back and convinced the applicant to stay there for few more days. The respondent alleges that the applicant, being upset by the fact that her activities were brought out publicly, in fit of vengeance, had been threatening the respondent to bring false cases against him and his family. He also alleged that, she had tried to poison him through food after which his health was affected and he was taken to hospital. That in this



process, she also consumed harpic and locked herself in bathroom later which she was rescued by his family members who took her to hospital. Thereafter on being referred, his father took her to Janjgir. After she recovered, the applicant's family members took her back to home. In between her family members came to abuse and threaten us and took all her belongings. When the respondent and his father went to bring the applicant back, she has refused to go back with them. The applicant later approached the family court Manendragarh under Section 125 CrPC seeking Maintenance allowance from respondent. The matter was tried before the Family Court Manendragarh under Misc. Criminal Case No. 141/2022, where the learned family court, without considering the oral and documentary evidence and materials available on record generously, allowed the application and ordered the applicant to provide monthly allowance of Rs. 3000/- per month from 20.10.2022. Hence this petition.

4. Learned counsel appearing for the applicant submits that the order passed by the learned Family Court is not only contrary to the facts and the evidence on record but also perverse, illegal, and arbitrary in the eyes of law. The learned Family Court, without properly considering the oral and documentary evidence available on record, acted beyond the evidence and, in a sympathetic manner, awarded maintenance of Rs. 3,000/- per month in favor of the wife. The learned Family Court failed to appreciate the conduct, activities, and character of the applicant (wife) and, without assigning any weightage to the allegations made by the respondent (husband) regarding her adulterous relationship with her brother-in-law (Jijaji), allowed the maintenance application. The strong material evidence, including photographs and electronic records, submitted by the respondent to substantiate these allegations, was ignored, and the Court relied solely on the statements of the applicant. It is



evident from the applicant's own statements that immediately after the marriage, she did not wish to live with her in-laws and left the respondent's house. Despite repeated attempts by the respondent to bring her back, she refused. The respondent also filed an application before the Family Court along with supporting electronic records and photographs to establish her conduct and character. However, the learned Family Court rejected this material by order dated 05.08.2023, which was unjust and improper, yet later passed the final maintenance order in favor of the applicant on 20.09.2023. The evidence before the Family Court established that the applicant had completed a pharmacy course and possessed registration for a medical store, whereas the respondent was unemployed and preparing for competitive examinations. At the time of marriage, he had no source of income. Though it is the husband's duty to provide maintenance, the Family Court ignored the applicant's status and the circumstances of the respondent in granting maintenance. The respondent had also brought to the Court's notice his involvement in business and his alleged income from agricultural land. Revenue records, however, demonstrated that he does not own any land, contrary to the applicant's claim of 8 acres. The Family Court, focusing solely on the husband's duty to maintain his wife, disregarded the applicant's conduct, character, and false claims, thereby making the order perverse, illegal, and arbitrary. The entire order of the learned Family Court is based on conjecture and surmises rather than evidence and is therefore liable to be set aside.

5. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
6. Considering the submissions advanced by the learned counsel for the applicant, and from the perusal of the impugned order passed by the



learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, and considering the conditions of both the parties, 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.

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

Sd/-
(Ramesh Sinha)
Chief Justice

Preeti