



2026:CGHC:3906



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1305 of 2023

Smt. Deepika Sahu W/o Deepak Kumar Rathor Aged About 29 Years
Caste- Sahu, R/o Village- Pamgarh, Police Station And Tahsil- Pamgarh,
At Present R/o Village- Khokhasa, Police Station And Tahsil- Janjgir,
District : Janjgir-Champa, Chhattisgarh

... Applicant(s)

versus

Deepak Kumar Rathor S/o Mahesh Ram Rathor Aged About 34 Years
Caste- Rathor, R/o Village- Pamgarh, Behind Of Chaitanya College, Police
Station And Tahsil- Pamgarh,, District : Janjgir-Champa, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Paras Mani Shriwas, Advocate.

For Respondent(s) : Mr. F.S. Khare, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22/01/2026

1. The applicant has filed this criminal revision against the order dated 17.10.2023 passed by learned Additional Principal Judge , Family Court, Janjgir, District – Janjgir-Champa (C.G.) in Misc. Criminal Case No.377/2022, whereby the learned Family Court has partly



allowed the application under Section 125 CrPC filed by the applicant and directed the respondent to pay Rs. 2,500/- to applicant, towards maintenance.

2. Brief facts necessary for disposal of this revision are that applicant is the legally wedded wife of the respondent. Their marriage was solemnized on 10.12.2020 at Village Khokhasa, District Janjgir-Champa (C.G.) according to *Hindu* rites and customs, and the applicant started residing at the respondent's house after the marriage. Soon thereafter, the respondent went to Odisha for his service and, despite returning intermittently, he did not maintain cordial marital relations with the applicant. In February 2021, the respondent clearly expressed his unwillingness to live with the applicant, stating that the marriage was performed under parental pressure and that he intended to marry another woman. It is further alleged that the respondent subjected the applicant to cruelty and demanded a motorcycle as dowry, which was fulfilled by the applicant's father, and subsequently the applicant was forcibly sent back to her parental home. Thereafter, the applicant has been residing at her parental house and despite repeated efforts, the respondent refused to cohabit with her or maintain her. Consequently, in September 2022, the applicant filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court seeking maintenance. After due hearing, recording of evidence from both sides, and consideration of the pleadings, the learned Family Court partly allowed the application and directed the respondent to pay maintenance of Rs.2,500/- per



month to the applicant. Aggrieved by the said order, the present revision has been filed.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Additional Principal Judge, Family Court, Janjgir-Champa is illegal, arbitrary and against the settled principles of law. The learned Family Court failed to properly appreciate the facts and circumstances of the case and passed the impugned order without due application of judicial mind. Though the petitioner's application was partly allowed, the maintenance amount awarded is inadequate and unjust considering the marital status and entitlement of the petitioner. Hence, the impugned order is liable to be quashed, set aside or suitably modified. He further submits that the learned Family Court further failed to consider that the petitioner was subjected to cruelty and dowry demand by the respondent, including demand of a motorcycle, which was fulfilled by the petitioner's father. Despite this, the respondent forcibly sent the petitioner to her parental home and consistently refused to cohabit with her or take her back during the pendency of the proceedings. Thus, the petitioner had sufficient and reasonable cause to live separately, entitling her to maintenance, which aspect has been ignored by the learned court below. He also submits that the learned Family Court did not take into account the financial capacity of the respondent, who is working as a computer teacher and earning a substantial salary. During the pendency of the proceedings, interim maintenance of Rs.4,000/- per month was granted in favour of the petitioner; however, the final order reduced the maintenance to Rs.2,500/- per



month without any justifiable reason. Such reduction is contrary to law and the object of Section 125 Cr.P.C., under which the legally wedded wife is entitled to maintenance commensurate with the status and income of the respondent. Hence, the impugned order deserves interference and enhancement of maintenance.

4. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. From perusal of the impugned order, it transpires that the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicant and directed the respondent to pay Rs. 2,500/- to applicant, towards maintenance observing that the applicant has sufficient and reasonable cause to live separately and is unable to maintain herself. The learned Family Court recorded a finding that it is not proved that the applicant is residing at her parental house voluntarily, particularly in view of the admission of the respondent and his father that the applicant was sent to her parental house by putting her on a bus and that the respondent was not willing to take her back. It further transpires that although the allegation of dowry harassment was not found to be conclusively proved, the learned Family Court held that there exists matrimonial discord between the parties and that the respondent has refused to



cohabit with the applicant. On the issue of means, the learned Family Court observed that the applicant, though educated, is not proved to be gainfully employed, whereas the respondent is comparatively a person with better means, having worked on contractual employment and having some share in agricultural property. However, considering the overall facts and circumstances of the case, the learned Family Court came has granted maintenance as aforementioned, which cannot be said to be on lower side.

7. Considering the submissions 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
9. 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