



2026:CGHC:2985

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 98 of 2026**

Omprakash Sahu S/o Manharan Sahu Aged About 26 Years Present R/o Village- Panderbhattha, P.S.- Bemetara, Post- Jhal, Tahsil And District- Bemetara (C.G.)

... Applicant(s)**versus**

Smt. Neha Sahu W/o Omprakash Sahu Aged About 25 Years R/o Shanti Nagar, Birgaon Ward No. 9, Near Bada Talab, Police Station- Urla, Tahsil And District- Raipur (C.G.)

... Non-applicant(s)

For Applicant	: Mr. Ajeet Kumar Yadav, Advocate.
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For Non-applicants	: None.
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Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****19.01.2026**

1. Heard Mr. Ajeet Kumar Yadav, learned counsel for the applicant on I.A. No.02/2025, which is an application for condonation of delay of 119 days in filing the instant criminal revision.
2. For the reasons mentioned in the application I.A. No. i.e .02/2025 application for condonation of delay, the same is allowed and delay is condoned. The criminal revision is heard finally.
3. By way of this revision, the applicant has prayed for following relief:

"It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside the impugned



order dated 14.05.2025, in the interest of justice.”

4. Brief facts of the case are that the non-applicant filed an application under Section 125(1) of the Cr.P.C. for grant of maintenance before the learned Family Court, along with an application for grant of interim maintenance, stating therein that the non-applicant is the legally wedded wife of the applicant and that their marriage was solemnized on 13.04.2019 according to Hindu rites and rituals. After marriage, the non-applicant went to the house of the applicant for performing her matrimonial obligations, however, she was subjected to cruelty on account of demand of dowry by the applicant and his family members. Although the non-applicant tolerated such cruelty with the hope that the behaviour of the in-laws would improve in future, the cruelty continued day by day and ultimately she was ousted from the matrimonial house on 30.06.2021. Since then, she has been residing at her parental house. It was further stated that the non-applicant has no independent source of income, whereas the applicant has sufficient means, yet he has not paid a single penny towards her maintenance. Therefore, she was constrained to file the application for grant of maintenance. That vide order dated 21.04.2022 passed in Criminal M.J.C. No. 305/2021, the learned Family Court allowed maintenance in favour of the non-applicant to the tune of Rs. 15,000/- per month. Thereafter, the non-applicant filed an application under Section 125(3) of the Cr.P.C. for recovery of the maintenance amount.
5. After service of notice, the applicant filed an objection regarding the maintainability of the said application, contending that earlier the



non-applicant had already filed an application under Section 125(3) of the Cr.P.C. for recovery of maintenance, which was decided on the basis of a compromise between the parties before the Lok Adalat, and therefore, the subsequent application was not maintainable.

6. After hearing both the parties, vide order dated 14.05.2025, the learned Family Court rejected the objection raised by the applicant. Hence, the present revision.
7. Learned counsel for the applicant submits that the impugned order dated 14.05.2025 is bad in law, perverse, arbitrary and erroneous, and is therefore liable to be set aside. It is contended that the learned Family Court failed to appreciate that the non-applicant had earlier filed an application under Section 125(3) of the Cr.P.C. for recovery of maintenance, which was decided on the basis of a compromise between the parties before the Lok Adalat, and hence, the subsequent application was not maintainable. It is further submitted that the non-applicant is residing separately without any reasonable cause despite repeated efforts made by the applicant to bring her back to the matrimonial home and therefore, she is not entitled to maintenance. The learned Family Court also failed to consider that the non-applicant is an educated and healthy woman capable of maintaining herself. It is further argued that the benefit under Section 125 Cr.P.C. is not a matter of right and the maintenance awarded is on the higher side, which is wholly unsustainable considering the meagre income of the applicant, who has no permanent source of income and is earning his livelihood by doing labour work. The



learned Family Court further failed to properly appreciate the documents and evidence on record and has arrived at a baseless and unsustainable conclusion. Accordingly, he prays that the impugned order is illegal and perverse and is liable to be set-aside.

8. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.
9. From perusal of the impugned order dated 14.05.2025, it transpires that the learned Family Court has passed the order after due consideration of the material available on record and after affording adequate opportunity of hearing to both the parties. The objection raised by the applicant regarding maintainability of the application under Section 125(3) of the Cr.P.C. has been dealt with in detail and rejected by assigning cogent and valid reasons. This Court finds that the learned Family Court has neither committed any illegality nor any jurisdictional error while passing the impugned order.
10. The findings recorded by the learned Family Court are based on proper appreciation of facts, documents and settled principles of law and do not suffer from perversity or arbitrariness. No ground is made out to interfere with the impugned order.
11. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
12. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice