



CGHC010012752025



2026:CGHC:32990

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 46 of 2025**

Smt. Sarita Sahu W/o Mohanlal Sahu Aged About 28 Years Resident Of Village Harethikala, Police Station And Tahsil Hasaud, District Sakti (Chhattisgarh), At Present Resident Of Village Amora, Police Station And Tahsil Nawagarh, District Janjgir-Champa (Chhattisgarh)

... Applicant**versus**

Mohan Lal Sahu S/o Mahesh Ram Sahu Aged About 30 Years Occupation Service In The Airforce, Resident Of Village Harethikala, Police Station And Tahsil Hasaud, District Sakti, Chhattisgarh.

... Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For Respondent : Ms. Shweta Rai, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****30.07.2026**

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore, prayed that, this Hon'ble Court may be pleased to allow the revision and be pleased to set-aside the impugned order dated 24-12-2024 (Annexure A-1) and also be pleased to direct the non-applicant/husband to pay maintenance amount as claim in the application under section 125 of CRPC filed before the learned Family Court, in the interest

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signed by
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of justice.”

2. The facts of the case, in brief, are that the applicant/wife filed an application under Section 125 Cr.P.C. seeking maintenance of Rs.20,000/- per month from the non-applicant/husband. It was pleaded that the marriage between the parties was solemnized on 03.05.2022 in accordance with Hindu rites and customs at Village Amora, Tahsil Nawagarh, District Janjgir-Champa (C.G.), and thereafter they resided together as husband and wife. The applicant alleged that after some time of marriage, the non-applicant/husband started subjecting her to physical and mental cruelty and demanded an amount of Rs.5,00,000/- as dowry. It was further alleged that the husband caused the termination of her three-month pregnancy, on account of which she lodged a criminal report against him under Section 498-A/34 IPC. According to the applicant, the non-applicant obtained anticipatory bail by assuring that he would keep her with dignity and take care of her; however, after obtaining such relief, he neither resumed cohabitation with the applicant nor provided any financial support to her. It was further pleaded that the non-applicant is serving in the Indian Air Force and earning a monthly salary of about Rs.74,792/-, besides having agricultural land measuring approximately 5 acres from which he earns around Rs.2,00,000/- annually, and therefore he has sufficient means to maintain the applicant. The non-applicant/husband filed his reply denying the allegations made against him and contended that the applicant was not entitled to maintenance. He further alleged that the applicant was involved in an affair with another person and

submitted that he had made efforts to bring her back by sending train tickets through WhatsApp, but she refused to join his company. He also pleaded that his monthly salary was about Rs.66,540/- and that the applicant is an educated lady possessing B.Sc. and PGDCA qualifications and is capable of maintaining herself. After framing the necessary issues, both parties led oral and documentary evidence in support of their respective cases. Upon appreciation of the evidence available on record, the learned Family Court rejected the application filed by the applicant under Section 125 Cr.P.C. seeking maintenance. Aggrieved by the said interim order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 24.12.2024 passed by the learned Family Court is illegal, perverse and contrary to the settled principles governing grant of maintenance under Section 125 Cr.P.C. It is submitted that the learned Family Court failed to appreciate that the applicant is the legally wedded wife of the non-applicant and has no independent source of income to maintain herself. It is further submitted that an FIR under Section 498-A/34 IPC has been registered against the non-applicant/husband and his family members on account of the cruelty and harassment allegedly meted out to the applicant, and therefore she has sufficient cause to reside separately from her husband. He submits that despite having sufficient means, the non-applicant has neglected and refused to maintain the applicant. It is further contended that the non-applicant is serving in the Indian Air Force and is earning a substantial monthly salary, apart from having

income from agricultural land, whereas the applicant is dependent upon others for her livelihood and is unable to maintain herself. It is also submitted that the applicant continues to face medical issues and requires proper treatment, but in the absence of financial support from the non-applicant, she is unable to meet her basic needs and medical expenses. He further submits that the learned Family Court has failed to properly appreciate the oral and documentary evidence available on record and has not assigned cogent reasons while rejecting the application for maintenance. Therefore, considering the status, income and earning capacity of the non-applicant and the inability of the applicant to maintain herself, the impugned order deserves to be set aside and the applicant is entitled to grant of reasonable maintenance as claimed in the application.

4. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Principal Judge, Family Court, Janjgir, District Janjgir-Champa, (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From a perusal of the impugned order, it transpires that the learned Family Court, after due consideration of the pleadings of the parties, the oral and documentary evidence adduced by them, and the entire material available on record, has rightly passed the impugned order. The learned Family Court has duly appreciated the respective contentions of the applicant/wife and the

non-applicant/husband and has recorded findings on the basis of the evidence brought on record. The Court has taken into consideration the allegations levelled by the applicant, the defence set up by the non-applicant, the circumstances under which the parties have been residing separately, as well as the evidence relating to their income, conduct and entitlement. Upon a proper evaluation of the evidence, the learned Family Court came to the conclusion that the applicant had failed to establish the necessary ingredients for grant of maintenance under Section 125 Cr.P.C. and, therefore, rejected the application by assigning cogent and legally sustainable reasons. The findings recorded by the learned Family Court are based on appreciation of evidence.

7. Considering the submission 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 criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order as well as original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice