



CGHC010167942025



2026:CGHC:36285

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 578 of 2025

Yogesh Kumar Dewangan S/o Late Kailash Dewangan Aged About 38
Years R/o Village Pathraguda Jagdalpur, District- Bastar (C.G.)

... **Applicant(s)**

versus

Smt. Rajni Dewangan W/o Yogesh Kumar Dewangan Aged About 35
Years R/o Village Palligaon, Thothapara Tehsil- Jagdalpur, District-
Bastar (C.G.)

... **Respondent(s)**

For Applicant(s) : Mr. Kamlesh Patel, holding the brief of Mr.
Premshankar Yadav, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

14/08/2026

1. The applicant has filed this criminal revision against the order dated 20.02.2025 passed by learned Judge, Family Court Bastar at Jagdalpur (C.G.) in M.J.C. No.98/2023, whereby, the learned

Family Court rejected the application under Section 127 Cr.P.C. filed by the respondent.

2. Brief facts necessary for disposal of this revision are that the marriage between the applicant and the respondent was solemnized on 04.08.2017 before the Special Marriage Officer, Jagdalpur, and due to matrimonial differences, the parties started living separately. Thereafter, the respondent-wife filed an application under Section 125 Cr.P.C., which was allowed vide order dated 08.04.2021, whereby the applicant was directed to pay Rs.6,820/- per month towards maintenance. Subsequently, on 04/05.03.2023, the applicant allegedly received information that the respondent was involved in an illicit relationship with one Hari Rai and, accordingly, called Police Helpline 112, pursuant to which the respondent and the said Hari Rai were taken to the police station and Istaghasa No.69/70/2023 under Sections 107 and 116(3) Cr.P.C. was registered. On the ground that the respondent was living in adultery and there was a change in circumstances, the applicant filed an application under Section 127 Cr.P.C. seeking cancellation/modification of the maintenance order; however, the respondent denied the allegations and stated that she had been falsely implicated. After considering the pleadings and evidence of both parties, the learned Family Court rejected the application, leading to the filing of the present revision petition.

3. Learned counsel for the applicant submits that the learned Family Court failed to appreciate the material change in circumstances, particularly the incident dated 05.03.2023, wherein the respondent was allegedly found in a compromising position with another man, resulting in registration of Istaghasa under Sections 107 and 116(3) Cr.P.C. The Court failed to properly consider the said official record and the applicant's evidence while deciding the application under Section 127 Cr.P.C., despite the specific bar contained in Section 125(4) Cr.P.C. against grant of maintenance to a wife living in adultery. He further submits that the learned Court below erred in relying upon the respondent's bare denial while disregarding the documentary material and detailed affidavit filed by the applicant in support of his allegations. The respondent also failed to examine her brother's wife, who, according to her own version, was accompanying her at the time of the alleged incident. The learned Court thus failed to properly appreciate the evidence and the material contradictions in the respondent's defence. He also submits that the impugned judgment suffers from perversity, non-application of judicial mind and erroneous appreciation of the material on record. The learned Family Court failed to exercise the jurisdiction vested in it under Section 127 Cr.P.C. in accordance with law and erroneously rejected the applicant's prayer for cancellation/modification of maintenance. Hence, the impugned judgment is unsustainable in law and liable to be set aside.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court rejected the application under Section 127 Cr.P.C. filed by the respondent, holding that the allegation of the respondent-wife living in adultery was not proved by reliable and cogent evidence. The Court observed that although the applicant relied upon the police proceedings, complaints and other documents relating to the alleged incident dated 05.03.2023, during cross-examination he admitted that he had called Dial-112 merely on the basis of suspicion. On the other hand, the respondent specifically denied the allegation of adultery and stated that she had been falsely implicated. Since the applicant failed to establish that the respondent was living in adultery, the Court found no ground to cancel or modify the maintenance order dated 08.04.2021 granting her Rs.6,820/- per month and accordingly dismissed the application.
6. Considering the submissions advanced by the learned counsel for the applicant 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.

7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
8. 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

Akhil