



CGHC010206662025

2026:CGHC:36283

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 675 of 2025

Smt. Purnima Sen W/o. Krishna Kumar Sen Aged About 58 Years R/o.
C/o. Shankar Sen, Ward No. 4, School Gaya Bai Naya Nagar, Durg,
Tahsil And District - Durg (C.G.)

... Applicant(s)

versus

Krishna Kumar Sen S/o. Shri Mohan Sen Aged About 61 Years R/o.
House No. 09, Sahu Para, Village - Dattrenga, Post - Sejbahar, P.S.
Mujgahan, Dist. Raipur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Ankush Soni, Advocate.

For Respondent(s) : Mr. Aman Tamrakar, Advocate.

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 16.04.2025 passed by learned Principal Judge, Family Court, Durg, District – Durg (C.G.) in Misc. Criminal Case

No.1466/2023, whereby the learned Family Court has rejected the application under Section 125 CrPC filed by the applicant.

2. Brief facts necessary for disposal of this revision are that the applicant, claiming to be the legally wedded wife of the respondent, filed an application under Section 125 Cr.P.C. seeking maintenance of Rs.15,000/- per month. The marriage between the parties was solemnized about 40 years ago according to Hindu rites and customs, and out of the wedlock, two sons and two daughters were born, who are now living separately after marriage. It was alleged that after some time of marriage, the respondent subjected the applicant to physical and mental cruelty on account of dowry and ultimately drove her out of the matrimonial house, compelling her to reside at her parental home. The applicant further pleaded that she has no independent source of income, whereas the respondent is engaged in business and owns about 0.98 hectare of agricultural land, from which he earns sufficient income to maintain her. The respondent appeared before the learned Family Court and denied the allegations made by the applicant. After considering the pleadings and evidence led by both parties, the learned Family Court, vide impugned order dated 16.04.2025, dismissed the application filed by the applicant under Section 125 Cr.P.C. without awarding any amount towards maintenance. Being aggrieved by the said order, which according to the applicant is contrary to the facts, evidence and settled principles of law, the present revision petition has been preferred.

3. Learned counsel for the applicant submits that the impugned order dated 16.04.2025 passed by the learned Principal Judge, Family Court, Durg, is illegal, erroneous and contrary to the evidence and material available on record. It is contended that the applicant is the legally wedded wife of the respondent, has no independent source of income and is unable to maintain herself, whereas the respondent is financially capable of maintaining her. He further submits that the applicant was compelled to leave the matrimonial house on account of the physical and mental cruelty, harassment and dowry demands made by the respondent. The learned Family Court failed to appreciate that the applicant was residing separately for sufficient and reasonable cause and that the respondent had not made any genuine effort to resume cohabitation with her. The Court also failed to properly consider the respondent's income from his business and agricultural land. He also submits that the learned Family Court erred in dismissing the application under Section 125 Cr.P.C., without considering the applicant's financial condition, the respondent's capacity to pay maintenance and the material evidence on record. The impugned order suffers from non-application of mind and is liable to be set aside, and appropriate maintenance may kindly be awarded to the applicant in the interest of justice.
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 rejected the application under Section 125 Cr.P.C. filed by the applicant, holding that although the applicant claimed to have been subjected to harassment and cruelty by the respondent and pleaded that she had no independent source of income, she failed to establish sufficient and reasonable grounds for living separately from her husband. The Court particularly relied upon the fact that the respondent expressed his willingness to keep the applicant with him, which was also admitted by the applicant in her cross-examination. Considering that the respondent is aged about 62 years and both their sons are major and alive, the Court concluded that the applicant was residing separately from the respondent without sufficient cause and, therefore, was not entitled to claim maintenance under Section 125 Cr.P.C. Accordingly, her application was dismissed.
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

Akhil