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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 987 of 2026**

- 1** - Dhananjay Dehare S/o Shri Ramnarayan Dehare Aged About 50 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.
- 2** - Ramnarayan S/o Late Shri Aaju Aged About 69 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.
- 3** - Sadhan Bai W/o Ramnarayan Aged About 66 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.

... Applicants**versus**

- 1** - Jayanti Dehare W/o Dhananjay Dehare Aged About 39 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.
- 2** - Niranjana S/o Ramnarayan Aged About 46 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.
- 3** - Smt. Anita W/o Niranjana Aged About 46 Years R/o Village Mulmula, P.S. Chandanu, Tah. And Distt. Bemetara, Chhattisgarh.

... Respondents**(Cause title, as taken from CIS)**

For Applicants : Mr. Ravindra Sharma, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****07/10/2026**

1. With the consent of the learned counsel for the applicants, the matter is heard finally.
2. This criminal revision has been preferred by the applicants under Section 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023

(for short, “BNSS”), challenging the judgment dated 01.07.2026 passed by the learned I Additional Sessions Judge, Bemetara (CG) in Criminal Appeal No.24/2025, whereby learned Appellate Court has partly allowed the appeal preferred by wife (respondent No.1 herein) and granted monthly maintenance of Rs.25000/- and compensation of Rs.1,00,000/- in her favour against the applicants herein, by setting aside the order of dismissal dated 20.02.2025 passed by the learned Trial Court in MJC No.210/2018 (*Smt. Jayanti Dehare vs. Dhananjay Dehare and Ors.*).

3. Facts of the case, in brief, are that respondent No.1/wife filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the DV Act”), alleging that after her marriage with applicant No.1/husband in the year 2003, she was subjected to physical and mental cruelty by her husband and in-laws and was ultimately compelled to live separately. She also alleged that on one occasion, applicant No.1/husband poured kerosene oil upon her and thereafter refused to take her back. The applicants denied the allegations and submitted that respondent No.1/wife was residing separately without sufficient cause and had made false complaints against them. Thereafter, the learned Trial Court, by order dated 20.02.2025, dismissed the application. In appeal, the learned Appellate Court, vide judgment dated 01.07.2026 passed in Criminal Appeal No.24/2025, partly allowed the appeal and awarded maintenance of Rs.25,000/- per month to respondent No.1/wife, with adjustment of the amount received by her under the proceedings under Section 125 of the Cr.P.C., and further directed the applicants to pay

compensation of Rs.1,00,000/- jointly and severally. Aggrieved thereby, the applicants have preferred the present criminal revision.

4. Learned counsel for the applicants submits that the learned Appellate Court has granted maintenance of Rs.25,000/- per month without assigning any cogent reason. It has also awarded compensation of Rs.1,00,000/- in favour of respondent No.1/wife and against the applicants. He further submits that respondent No.1/wife and her daughter are already receiving total monthly maintenance of Rs.16,000/- in compliance with the order passed by the learned Family Court. Though the learned Appellate Court has directed that the said amount be adjusted, there was no justification for granting any further amount towards maintenance in favour of respondent No.1/wife. He further submits that the learned Appellate Court itself has observed that, due to insufficient evidence available on record, the application filed by respondent No.1/wife under Section 12 of the DV Act was likely to be dismissed. Despite such observation, the learned Appellate Court has granted compensation of Rs.1,00,000/-, which is contrary to its own finding. Hence, he prays that the present revision may be allowed.
5. Perusal of the impugned order, particularly paragraphs 33, 34 and 36 thereof, shows that although the learned Appellate Court has observed that there was insufficient evidence to allow the application filed by respondent No.1/wife under Section 12 of the DV Act, but it has also observed in paragraph 33 that, despite being his wife, applicant No.1/husband had never made any effort to take her back. It has further been observed that respondent No.1/wife had made various complaints to the police and superior authorities against applicant No.1/husband. Thus, it appears that there was sufficient material

before the learned Appellate Court to grant maintenance to respondent No.1/wife over and above the amount of maintenance already granted to her and her daughter by the learned Family Court.

6. The observations made by the learned Appellate Court in the aforesaid paragraphs also justify the grant of compensation to respondent No.1/wife, particularly considering the fact that applicant No.1/husband is posted as a Principal in a school and is receiving a monthly salary of approximately Rs.78,000/-. The learned Appellate Court has already directed that the amount of Rs.16,000/- awarded by the learned Family Court towards maintenance of respondent No.1/wife and her daughter shall be adjusted. Therefore, on due consideration of the entire facts and circumstances of the case, and also keeping in view the monthly salary of applicant No.1/husband, it cannot be held that the partial allowance of the appeal preferred by respondent No.1/wife is unjustified, as the relief granted to respondent No.1/wife is essentially of a civil nature and is not criminal in nature.
7. In view of the foregoing discussion, this Court is not inclined to entertain the instant Criminal Revision. Accordingly, the same is **dismissed**.
8. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge