

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 144 of 2017**

- Bhupendra Sahu S/o Teshan Sahu Aged About 25 Years R/o Village- Peerit, Post- Kmardau, Police Station Arjunda, Tahsil, Balod, District Balod, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Suruchi Sahu W/o Bhupendra Sahu R/o Village Peerit, Present Address Village- Sankra, Post & Police Station Somini, Tahsil & District Rajnandgaon, Chhattisgarh.
2. Bhawesh Sahu S/o Bhupendra Sahu (Minor) Aged About 05 Month, Under The Guardianship Of Mother Smt. Suruchi Sahu W/o Bhupendra Sahu, R/o Village Peerit Present Address; Village- Sankra, Post & Police Station Somini, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant: Mr. Akhilesh Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07.02.2017**

1. The present Revision Petition has been preferred assailing the order dated 29.12.2016 passed in the Misc. Criminal Case No. 06/2015. Vide the said impugned the Court below in a proceeding under Section 125 Cr.P.C. allowing the application has awarded Rs. 1500/- per month to the Non-applicant No.1 and Rs. 900/- per month to the Non-applicant No. 2.
2. Learned Counsel for the Applicant assailing the said order

submits that it is a case where the Court below has not properly appreciated the evidence which have come on record particularly there have been periodical agreements between the parties where the Applicant and the Non-applicant have agreed for living together. Subsequently it is Non-applicant No.1 who had resiled from the agreement and is not living with the present Applicant. It was also submitted by the Counsel for the Applicant that the Non-applicant No.1 herself has given in writing that she does not want the dispute to pursue any longer and is ready to go and live with the present Applicant. However, the Court below has not appreciated these facts in its proper perspective and has allowed the Application.

3. However, on perusal of the record what clearly reflects is that the Non-applicant No.1 had reported to the Police Station that the present Applicant was continuously giving threat of dire consequences to Non-applicant No.1 and was also using abusive language and treated her with cruelty which forced her to leave her matrimonial home and stay separately with her minor son. Thus, in the opinion of this Court the Court below has not committed any error of law nor is there any illegality or infirmity in the order passed by the Court below.
4. Accordingly, the present Revision Petition being devoid of merits does not warrant any interference. So far as the quantum of compensation is considered the same also by no stretch of

imagination can be said to be exorbitant or on the higher side.

5. Accordingly, the present Revision Petition being devoid of merits, stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

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