

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 601 of 2017

Smt. Rajni Sahu, W/o. Shri Niranjan Sahu, Aged About 40 Years, R/o. LIG Bhawan S- 7/479, Dindyal Awas, Village Mangla, Bilaspur, Police Station, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

Niranjan Sahu, S/o. Shri Gosai Ram Sahu, Aged About 45 Years, Cast Residents Bhaisothana, Tahsil Pamgad, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Smt. Bulbul Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.08.2017

Heard

1. The instant petition is against the order dated 09.03.2017 passed by the Family Court, Bilaspur, in Misc. Criminal Case No.680/2016, whereby the application under Section 125 of Cr.P.C. filed by the wife was rejected.
2. Perusal of the order would show that initially after filing of the application under Section 125 of Cr.P.C., an objection was preferred that earlier a MJC was filed bearing No.376/2011, which was dismissed on 14.11.2011 holding that the present applicant is not a legally wedded wife of respondent, as she was only live-in-relation with the respondent. It was further held that she was earlier married to one Badri Singh and out of such wedlock, five children were born, however, Badri Singh has left her 16 years back. The order of MJC which was passed on 14.11.2011 wherein the application for maintenance was refused was not under challenge. Subsequently, the application under Section 125 of Cr.P.C. was filed on 16.11.2016. The issue having been

adjudicated earlier, the same cannot be agitated time and again.

Therefore, the order dated 09.03.2017 do not appears to be perverse or illegal, which warrants any interference.

3. In view of the above, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok