

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 256 of 2018

1. Santoshi Yadav D/o Shivprashad Yadav, aged about 18 years,
2. Ku. Roshni Yadav, D/o Harish Yadav, aged about 1 years,
No. 2 minor through Natural Guardian Mother Santoshi Yadav
Both R/o Village Saja, Bhatapara, Ward No. 01, P.S. & Post- Saja, Distt. Bemetara (C.G.)

--- Applicants

Versus

Harish Yadav, aged about 21 years S/o Santosh Yadav, R/o Village Saja, Bhatapara Ward No. 01, P.S. & Post- Saja, Distt. Bemetara (C.G.).

---- Respondents

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. Suresh Kumar Verma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/09/2018

1. With the consent of both the parties, the matter is heard finally on admission stage.
2. Vide impugned order dated 23/01/2018, the learned Family Court rejected the application submitted by the applicants under Section 125 of the Cr.P.C. on the ground that applicant No. 1, Santoshi Yadav is not legally wedded wife of the respondent and applicant No. 2, Roshni is also not a legitimate or illegitimate child of the respondent.
3. In the application preferred under Section 125 of the Cr.P.C, the applicants had pleaded that applicant No. 1 was living near the house of

the respondent. It was alleged that since March 2014 on the pretext of marriage, the respondent used to make physical relation with her and due to that, applicant No. 1 got pregnant. When applicant No. 1 got pregnancy of 8 months, the respondent refused to keep her with him. The respondent also threatened to kill her.

4. On the basis of report made by applicant No.1, an offence under Section 376 of the IPC was registered against the respondent. Charge-sheet was filed and after trial, the trial Court has convicted the respondent. The appeal is pending before the High Court. It was further alleged that due to this physical relation, applicant No. 2 borne. The respondent denied all the averment.
5. Learned counsel appearing on behalf of the applicants submits that since DNA report regarding respondent No. 2 is negative, therefore, he does not want to press this revision on behalf of applicant No. 2. He further submits that applicant No. 1 was residing with the respondent and their relation was live-in-relation, therefore, she is entitled to get maintenance from her husband.
6. Learned counsel appearing on behalf of the respondent opposes the prayer and submits that there is nothing on record on the basis of which, it can be said that applicant No. 1 and the respondent lived together at any point of time as husband and wife or there was any live-in-relation between them. Therefore, this revision may be dismissed.
7. From perusal of the record and the evidence adduced by the parties, it is clear that though on the report made by applicant No.1, the respondent was convicted, the appeal is still pending in the High Court. Moreover,

there is nothing on record on the basis of which it can be said that both have lived together as husband and wife. In these circumstances, prima-faice no relationship of live-in-relation is established between them. Therefore, the Family Court had rightly rejected the application of the applicants.

8. Considering the above aspects, I do not find any merit in this revision. The revision is dismissed at the motion stage itself.

Sd/-
(Arvind Singh Chandel)
Judge