



2026:CGHC:4427

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 286 of 2024

Ram Prasad Kurre S/o Late Brijlal Kurre, Aged About 62 Years Caste Satnami, R/o Manikpur, Police Station Manikpur, District- Korba (C.G.) At Present Resident Of Pendribhatha Kera Road (Near Mukesh Tiles), Janjgir, Police Station And Tahsil Janjgir, District Janjgir- Champa (C.G.)

... Applicant

versus

Smt. Agas Bai W/o Ram Prasad Kurre, Aged About 54 Years Caste Satnami, Resident Of Ward No. 22, Behind Girls Houstel, Kera Road, Janjgir, Police Station And Tahsil Janjgir, District Janjgir- Champa (C.G.)

... Respondent

For Applicant : Mr. Gaurav Singhal, Advocate along with
Mr. Vivek Singhal, Advocate

For Respondent : Mr. H.V. Sharma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

27.01.2026

1. This criminal revision has been filed by the applicant with the following prayer:

"It is, therefore most respectfully prayed in the interest of justice that the Hon'ble Court may kindly be pleased to allow the revision and be pleased to set-aside the impugned order dated 23-01-2024 (Annexure A-1), in the interest of justice."

2. The facts of the case, in brief, are that the respondent/wife had earlier filed an application under Section 125 of the Code of Criminal Procedure, which was allowed by the learned Family Court, Janjgir, District Janjgir-Champa (C.G.), vide order dated 01.04.2019 in the case of *Smt. Agas Bai versus Ram Prasad Kurre*, directing the applicant/husband to pay maintenance of Rs. 6,000/- per month, thereafter, the parties amicably settled their disputes through a one-time settlement, and pursuant to a compromise dated 18.07.2023 executed in the presence of witnesses, the applicant paid a lump sum amount of Rs. 11,00,000/- in cash to the respondent, who, after receiving the said amount, undertook to withdraw all pending cases before the Family Court, Magistrate Court and Civil Court, however, despite the said settlement, the respondent subsequently filed an application under Section 125(3) Cr.P.C. on 06.05.2023 seeking recovery of maintenance, and the learned Family Court, by impugned order dated 23.01.2024, again directed the applicant to pay maintenance of Rs. 6,000/- per month. Aggrieved by the said order, the applicant has preferred the present revision.
3. Learned counsel for the applicant submits that the impugned order dated 23.01.2024 is illegal, perverse and suffers from material irregularity, and therefore deserves to be set aside, inasmuch as the learned Family Court failed to consider that the parties had already amicably resolved all their disputes through a one-time settlement dated 18.07.2023, pursuant to which the respondent/wife received a lump sum amount of Rs. 11,00,000/- in cash from the

applicant/husband in the presence of attesting witnesses and categorically undertook to withdraw all pending criminal, matrimonial and civil proceedings, despite accepting the said settlement amount towards full and final alimony, the respondent thereafter filed an application under Section 125(3) Cr.P.C. seeking recovery of maintenance, which is a clear abuse of the process of law and intended only to harass and humiliate the applicant. It is further submitted that the applicant is a retired person having no independent source of income and had arranged the settlement amount with great difficulty from his family members, and therefore the direction to pay further maintenance is wholly unjustified, the conduct of the respondent in repeatedly initiating proceedings even after settlement reflects malafide intent, and thus the impugned order is liable to be quashed in the interest of justice.

4. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Principal Judge, Family Court, Janjgir, District - Janjgir-Champa (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From the perusal of the impugned order, it transpires that the learned Family Court, Janjgir, District Janjgir-Champa (C.G.), after considering the pleadings of the parties and the material available on record, has rightly passed the impugned order dated 23.01.2024, as it is evident that the earlier order dated 01.04.2019

granting maintenance of Rs. 6,000/- per month in favour of the respondent/wife had attained finality and continued to subsist, the alleged compromise dated 18.07.2023 and payment of a lump sum amount of Rs. 11,00,000/- were neither brought on record in accordance with law nor accepted by the Court so as to supersede or nullify the subsisting maintenance order; therefore, in absence of any lawful modification, cancellation or setting aside of the earlier maintenance order by a competent court, the learned Family Court has correctly exercised its jurisdiction under Section 125(3) Cr.P.C. and directed the applicant/husband to comply with the maintenance order, which cannot be said to be illegal, arbitrary or perverse in any manner.

7. Considering the submission 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 criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice