



2026:CGHC:3964

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 489 of 2023**

Nitin Dubey S/o Shri Krishna Dubey Aged About 32 Years R/o Village Sivni, Near Tandula, Pull, Sivni, Near Tandula Pull, Sarvodaya Enterprises, P. S. Balod, District Balod Chhattisgarh

... Applicant(s)**versus**

Smt. Namrata Sharma W/o Shri Nitin Dubey Aged About 24 Years D/o Lt. Sunil Kumar Sharma, R/o House No. 954, Ward No. 66 (312/28), Sameru Math Ke Pass,, Street No. 13, Behind, Adarsh Nagar, Kulshalpur, Raipur District Raipur Chhattisgarh (Wrongly Mentioned As Adarsh Nagar, Kushalpur, Raipur Chhattisgarh)

... Respondent(s)

For Applicant(s) : Mr. Pragalbha Sharma, Advocate

For Respondent(s) : None

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22/01/2026**

1. The applicant has filed this criminal revision against the order dated 20.03.2023 passed by learned Principal Judge, Family Court, Raipur, District – Raipur (C.G.) in Criminal M.C.C.



No.541/2021, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.12,000/- per month to respondent towards maintenance.

2. Brief facts necessary for disposal of this revision are that the respondent-wife filed an application alleging that she was subjected to mental and physical cruelty by the petitioner from the very beginning of the marriage on account of dowry demands, was restricted from meeting her parental family, was not permitted to attend her father's illness, death, and last rites, and was ultimately driven out of the matrimonial home. The petitioner has categorically denied all such allegations and contended that the marriage was solemnized on 13.06.2020 as per Hindu rites and ceremonies, that the respondent herself refused cohabitation and physical intimacy from the inception of marriage, thereby treating the petitioner with cruelty, and that all last rites of the respondent's father were performed by the petitioner at his own expense. It is further stated that due to the respondent's conduct, the petitioner is presently unemployed and has no sufficient income. However, the Learned Family Court, without proper appreciation of the pleadings and evidence on record, passed the impugned order awarding maintenance of Rs. 12,000/- per month in favour of the respondent. Hence, the revision.
3. Learned counsel for the applicant submits that the impugned order suffers from serious errors of fact and law and is a classic



example of misuse of the benevolent provisions of Section 125

Cr.P.C. The Learned Court below failed to properly appreciate the oral and documentary evidence produced by the petitioner and misapplied the settled legal principles governing grant of maintenance, thereby arriving at findings which are unsustainable in law. He further submits that the learned Family Court further ignored the affidavit filed by the petitioner in strict compliance with the guidelines laid down by the Hon'ble Supreme Court in **Rajnesh vs. Neha & Anr.**, wherein it was specifically stated that the petitioner is unemployed and has no source of income. The respondent, during her cross-examination, admitted that she failed to produce any documentary proof regarding the alleged transport business or income of Rs.5 lakhs per month of the petitioner. On the contrary, the GST documents pertaining to the petitioner's firm clearly reflect 'nil' tax liability for the relevant financial years, which the learned court below failed to consider while assessing the petitioner's income. He also submits that the learned Family Court also erred in overlooking the respondent's own admissions regarding her employment and income, and the contradictions in her affidavit, thereby entertaining a false claim. No basis or reasoning has been assigned for determining the petitioner's income or for awarding maintenance of Rs.12,000/- per month. Further, the respondent failed to establish any instance of harassment or dowry demand prior to 20.10.2021 and has been residing separately without sufficient cause, amounting



to wilful desertion, disentitling her from maintenance under Section 125 Cr.P.C. The impugned order, therefore, deserves to be set aside.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.12,000/- per month to respondent towards maintenance observing that the respondent was residing separately for sufficient cause, that she was unable to maintain herself despite doing private work on a nominal salary, and that the applicant, in view of his admitted GST registration and business activities, was a person having sufficient means to maintain his wife, on account of which, the learned Family Court has granted maintenance to the respondent as aforementioned, which cannot be said to be on higher side.
6. Considering the submissions advanced by the learned counsel for the applicant 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.



7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**. Interim order, if any, stands vacated.
8. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil