



2026:CGHC:4422

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 586 of 2024**

Gyanendra Kumar Kosre S/o Rohit Kosre, Aged About 25 Years, R/o Sankra,
P. S. Kurudh, District : Dhamtari, Chhattisgarh

... Applicant**versus**

Satyabhama Kosre Aged About 20 Years R/o Village Khilora, P.S. Mujgahan,
District : Raipur, Chhattisgarh

... Respondent

For Applicant : Mr. Shubhank Tiwari, Advocate.

For Respondent : Ms. Deepali Gupta, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27.01.2026**

1. This Criminal Revision is being aggrieved of the judgment dated 25.04.2024 passed by the learned Principal Judge, Family Court, Raipur (C.G.) in Cr. M.C.C. No. 601/2023, whereby the learned Family Court partly allowed the application under Section 125 of the CrPC filed by the respondent, and directed the applicant/husband that he has to pay the amount of Rs.7,000/- per month to the respondent.
2. The facts, in brief, is that the applicant and the respondent are husband and wife. Their marriage was solemnized on 21.04.2022 at Village Khilora, Police Station Mujgahan, Raipur (C.G.), in accordance with Hindu rites, rituals, and customs. The wife filed an application under Section 125 of the Code of Criminal Procedure alleging that after a lapse



of six months from the date of marriage, she was subjected to ill-treatment at her matrimonial home. It was alleged that her in-laws used to taunt her by stating that she did not maintain cleanliness in the house and that she was unable to cook good or tasty food. It was further alleged that they used to complain that they had not received half of the articles/items in dowry compared to what they had given at the time of their daughter's marriage. The wife further alleged that when these incidents were brought to the notice of the Husband, he did not support her and instead abused her. The wife further alleged that her mother-in-law, father-in-law, uncle-in-law, and aunt-in-law switched off her mobile phone, alleging that her parents practiced witchcraft, and therefore she was not permitted to contact them. It was also alleged that whenever she returned from her parental home along with the Husband, the in-laws used to perform jhad-phuk, repeatedly alleging that her parents were tonhi. The husband appeared before the learned Family Court and filed his objection, stating that the wife is not mentally fit. He stated that she often shouted without any reason, talked to herself, and that on one occasion her father, in an intoxicated condition, abused the Husband and his family members and threatened to have them sent to jail. It was further stated that the wife was not willing to establish conjugal relations and never wished to live in a joint family. Due to this, she frequently complained to her father, who repeatedly took her to her parental home. The Husband stated that despite these circumstances, he made sincere efforts to bring the wife back, and on 19.01.2023, along with family members and elders of the society, a meeting was convened for reconciliation. However, the wife continued to quarrel over trivial issues and threatened to lodge false cases against the Husband and his family members. All such conduct and incidents were duly reported to the Superintendent of Police, Dhamtari;



the Inspector General of Police, State of Chhattisgarh; the Station House Officer, Mahila Police Station, Dhamtari; and other concerned authorities.

It was further stated that the Husband resides in a rural area and earns barely Rs. 2,000–2,500 per month, whereas the wife earns approximately Rs. 12,000 per month by running a household business. It was also stated that the family of the wife is financially well settled. Hence, the Husband prayed for dismissal of the application filed under Section 125 Cr.P.C.

3. Learned counsel appearing for the applicant submits that the impugned order is illegal, erroneous, and contrary to law. The learned Family Court has committed material irregularity and illegality in passing the impugned order and has failed to consider the admissions made by the wife, which were material to the adjudication of the case. The learned Family Court, in a highly mechanical manner, partly allowed the application filed by the wife and passed the impugned order without properly appreciating the financial status of the Husband. The learned Family Court failed to consider that the Husband is a labourer aged about 25 years and bears the responsibility of maintaining his aged father, mother, uncle, and aunt. The husband earns his livelihood in a rural area where the daily wages do not exceed Rs. 150/- to Rs. 200/-. The learned Family Court failed to appreciate the categorical admission made by the wife in her cross-examination, wherein she specifically admitted that she voluntarily and deliberately left the matrimonial home along with the Husband's family. She further admitted that, despite objections raised by the Husband, she visited her parental home on several occasions, which clearly reflects her conduct. It is evident that after marriage, the Wife was unable to adjust to rural life at Village Sankra, and her expectations and aspirations were not fulfilled by the Husband, which resulted in her



abnormal and unreasonable conduct. The learned Family Court completely ignored the mandate of sub-section (4) of Section 125 of the Code of Criminal Procedure. Once it was admitted by the wife herself that she was residing separately without any sufficient or reasonable cause, the very basis for filing the application under Section 125 Cr.P.C. became infructuous, and continuation of such proceedings amounts to an abuse of the process of law. The learned Family Court failed to appreciate that while deciding an application under Section 125 of Cr.P.C., maintenance cannot be granted in violation of the statutory conditions prescribed therein. Unless and until the wife establishes before the Court that she had sufficient reason to live separately from the husband, no maintenance could have been granted. The learned Family Court, without any cogent reasoning or supporting evidence, erroneously concluded that the Wife was living separately for sufficient cause and that the Husband had left her at her parental home. Such findings are perverse, unsupported by evidence on record, and yet the learned Family Court passed an order granting maintenance to the tune of Rs. 7,000/- per month.

4. On the other hand, learned counsel for the non-applicant opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, and



considering the conditions of both the parties, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.

7. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
8. Let a certified copy of this order as well as original record of this case be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Preeti