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CRL RC No. 1541 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL RC No. 1541 of 2026
and Crl.MP.No.13476 of 2026**

R.Deenadhayalan

..Petitioner(s)

Vs

1. Lavanya
W/o. Deenadhayalan
2. Minor. Varunan
S/o. Deenadhayaln rep by his Namural
Guardian Mother Lavanya

..Respondents

The Criminal Revision Case is filed under Section 438 read with 442 of BNSS 2023, to call for the records and set aside the order dated 30.06.2025 made in MC.No.7 of 2023 on the file of the Judicial Magistrate No.I, Sankari by allowing this Criminal Revision Petition before this Honourable Court.

For Petitioner(s): Mr.A.Saravanan

ORDER

This Criminal Revision Case is filed to quash the order dated 30.06.2025 made in MC.No.7 of 2023 on the file of the Judicial Magistrate No.I, Sankari.

2. The facts of the case are that the Revision Petitioner and the 1st Respondent got married on 10.11.2019 and the 2nd Respondent is the male

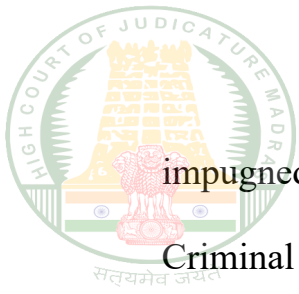


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child, born to them. Due to misunderstanding between the couple, they are living separately and the first respondent filed a Divorce petition and the same was allowed. The petitioner filed a petition for restitution of conjugal right and the same was dismissed. At this juncture, the 1st Respondent had filed MC.No.7 of 2023, seeking maintenance before the Trial Court. The learned Trial Court, by the impugned order dated 30.06.2025, a sum of Rs.3,000/- p.m. was ordered to be paid to the first respondent and a sum of Rs.7,000/- p.m. was ordered to be paid to the second respondent as maintenance. Challenging the said order, this Criminal Revision Case has been filed by the Revision Petitioner.

3. This Court heard Mr.A.Saravanan, the learned counsel for the Revision Petitioner. Since no adverse order is passed against the respondents, notice to them is dispensed with.

4. The learned counsel for the Revision Petitioner has submitted that the court below failed to appreciate the fact that the 1st Respondent voluntarily refused to live with him, without any reasonable cause and that without considering the liabilities and the financial status of the Revision Petitioner and also the source of income available to the 1st Respondent, the Trial Court had passed the impugned order, granting maintenance to the tune of Rs.10,000/- p.m. to the Respondents and that without proper application of mind, the



impugned order had been passed in a mechanical manner and hence, this Criminal Revision Case is liable to be allowed, as prayed for.

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5. This Court considered the submissions of the learned counsel for the petitioner and also perused the entire materials placed on record.

6. The fact that the Revision Petitioner is the husband of the 1st Respondent and they got a male child/2nd Respondent, is admitted and not in dispute. Before the Family Court, the petitioner/husband has specifically stated that the first respondent/wife is a Government employee, is working as Junior Assistant at CNC Government Aided College, is earning Rs.70,000/- or more per month. In response, the first respondent wife has stated that the petitioner is working as Software Engineer in the IT field at Chennai, earning over Rs.1,00,000/-. No document were filed by either side to prove their income claims of the either parties.

7. However, based on the age and educational qualification of the petitioner, who is working in IT field, the learned Judge, Family Court came to the conclusion that the petitioner has the capacity to earn minimum a sum of Rs.1,00,000/- per month. Furthermore, after their separation, the petitioner has not paid a single penny for food, clothes and shelter of the respondents. Noting that the wife is not an earning member and that the petitioner/husband



has sufficient means to support them, the Court ruled in favour of the respondents. The Family Court has directed the petitioner to pay a sum of Rs.3,000/- per month to the wife and Rs.7,000/- per month to the second respondent/son as maintenance, his omission is not sustainable, and as a dutiful husband and father, he remains obligated to maintain them.

8. The amount fixed towards maintenance by the Court Below is Rs.10,000/- for both the respondents, which, in the present days of rising prices and high cost of living, cannot be considered as excessive or disproportionate or unreasonable. The said monetary relief granted to the Respondents, by the courts below is adequate, fair and reasonable and consistent with the standard of living, to which the aggrieved person is accustomed.

9. The provision of Section 144 of BNSS *is enacted to stop the vagrancy of a destitute wife/child and provide some succour to them, who are entitled to get the maintenance, which cannot be denied.*

10. Further, the learned counsel for the Revision Petitioner has not been able to point out any illegality or impropriety or incorrectness in the impugned orders, granting such quantum of maintenance, warranting interference by this Court.



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11. In such circumstances, to meet the ends of justice, the impugned orders does not require any interference by this Court, as this Court does not find any illegality or impropriety or incorrectness in the impugned orders and this Criminal Revision Case lacks merit and hence, it is liable to be dismissed.

12. In the result, the Criminal Revision Case stands **dismissed**, as devoid of merits. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

To

The Judicial Magistrate No.I, Sankari



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SHAMIM AHMED, J.

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