



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 18878 of 2026
and CRL.MP.No.12558 of 2026**

V.Sureshkumar

..Petitioner(s)

Vs

1. S.Deepa

2. Minor Lithvick

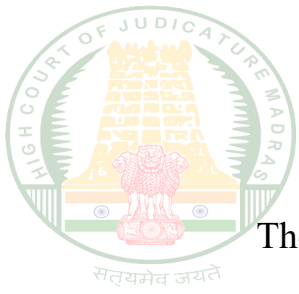
Rep by his mother and next friend Deepa,
Anna Nagar,
Perumuguai Village,
Gobi Taluk,
Erode District.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the Order dated 08-05-2026 in Crl MP No.51 of 2026 in MC No.1 of 2023, on the file of the Judicial Magistrate No.1, Bhavani and thus render justice.

For Petitioner(s):

Mr.K.Selvaraj



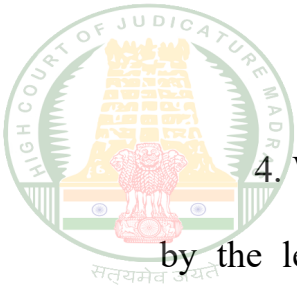
ORDER

The prayer in the Criminal Original Petition is to quash the order dated

18.05.2026 in CrI MP No.51 of 2026 in MC No.1 of 2023.

2. In M.C.No.1 of 2023, towards the monthly maintenance of the minor child and wife, a sum of Rs.8,000/- each was ordered originally by an order dated 08.05.2023. The petitioner now filed the application with a prayer to stay the maintenance awarded. However, the Trial Court, upon the prayer of the learned counsel for the petitioner, took it as if it is an application under Section 127 Cr.P.C., requiring modification of the quantum of maintenance.

3. The petitioner's grievance is two fold. Firstly, the petitioner is presently not going for any job and therefore he is finding it difficult to pay the sum of Rs.16,000/- per month. Secondly, it is his further contention that the first respondent wife is now working as a Teacher in a Private School. The Trial Court found the allegation that the first respondent is working and earning a salary is incorrect and the petitioner was not able to prove the same. Therefore, no exception can be taken for the said findings. It is for the petitioner to prove the ascertain that the first respondent is working and drawing a salary of Rs.25,000/-. When the petitioner has failed to prove the same, finding of the Trial Court is in accordance with law.



4. With reference to the loss of income for the petitioner, when it is stated by the learned counsel for the petitioner that the petitioner was originally working as an accountant and now he is not working, then it is the look out of the petitioner himself. He has to look out for work and satisfy the order of maintenance and cannot, in turn, seek reversal of the order stating that he is not willing to work or he is not working as on date. Therefore, the Trial Court was right in dismissing the petition, and I do not find any ground to interfere with the same. Finding no merits, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

17-07-2026

Neutral Citation: No
PVS

To
The Judicial Magistrate No.1, Bhavani



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CRL OP No. 18878 of 2



D.BHARATHA CHAKRAVARTHY, J.

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CRL OP No. 18878 of 2026

17-07-2026