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Crl.RC.No.288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.288 of 2025

and

Crl.M.P.No.288 of 2025

Vimalkumar

... Petitioner

Vs.

1. Elakiya

2. Minor. Magizhini

... Respondents

Prayer: Criminal Revision Case filed under Section 438 and 442 of B.N.S.S. to set aside the order dated 06.09.2024 passed in C.M.P.No.2184 of 2024 in M.C.No.18 of 2023 on the file of the Judicial Magistrate Court, Gudiyatham.

For Petitioner	: Mr.V.Sambamurthy for Mr.K.Shanmugam
For Respondent	: Mr.V.Ashok Kumar



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 06.09.2024 passed in C.M.P.No.2184 of 2024 in M.C.No.18 of 2023 on the file of the Judicial Magistrate Court, Gudiyatham.

2. The petitioner is husband and the respondents are his wife and daughter respectively.

3. The case of the petitioner is that after the birth of the 2nd respondent daughter, the 1st respondent did not come to the matrimonial home and lodged a false complaint of dowry demand against the petitioner. Being affected physically and mentally by the attitude of the 1st respondent, the petitioner filed a divorce petition in HMOP No.60 of 2023 before the Subordinate Court, Gudiyatham against the 1st respondent. Subsequently, the 1st respondent with the intention to harass the petitioner and his family members filed a petition before the Judicial Magistrate, Gudiyatham in DVC No.16 of 2023 and also filed a maintenance case in M.C.No.18 of 2023. Further, she also filed a



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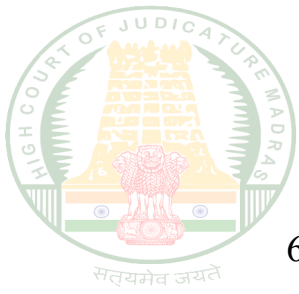
petition in CMP No.6092 of 2023 seeking interim maintenance to the child and

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that the petitioner has been paying a sum of Rs.2,500/- to the child as per the order of the Court. Once against, the 1st respondent filed another petition in CMP No.2184 of 2024 seeking for interim maintenance of Rs.50,000/- towards educational expenses and Rs.10,000/- towards litigation expenses. The learned Magistrate, without considering the fact that the petitioner is unemployed, passed an order directing the petitioner to pay a sum of Rs.50,000/- towards educational expenses and Rs.10,000/- towards litigation expenses to the respondents. Aggrieved by the same, the present revision is filed.

4. Heard both sides and perused the materials available on record.

5. It is seen that the order under challenge is an interlocutory order. No revision would lie against an interlocutory order. Therefore this Criminal Revision Case is **dismissed**. Consequently, connected Miscellaneous Petition is closed.



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6. However, the petitioner is at liberty to approach the Magistrate for the

disposal of the maintenance case.

7. Further, since the maintenance case is summary in nature, the Magistrate is directed to dispose the maintenance case within a period of two months from the date of receipt of a copy of this order after giving opportunity to both the parties.

10.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Judicial Magistrate

Gudiyatham.



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P.VELMURUGAN. J.

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