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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.08.2025

CORAM:

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

Crl.R.C No.114 of 2025 and

Crl.M.P.No.1013 of 2025

Raja Babu

... Petitioner

..Vs.

1. Poornimala

2. Master R.P. Harry Daniel

... Respondents

**Prayer:** This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS Act, to set aside the order dated 21.11.2024 passed in M.C.No.45 of 2021 on the file of the Family Court, Vellore and pass orders.

For Petitioner : Mr.D. Thirumoorthy

For Respondents : Mr.M. Arun

### **ORDER**

This revision has been filed as against the order passed in M.C.No.45 of 2021 on the file of the Family Court, Vellore thereby order maintenance to the respondents herein.



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2.The petitioner got married with the respondent on 02.09.2011 and due to the said wedlock one child was born to them. The petitioner is employed at Tata Marcopolo Bus company situated at Dhaward near Goa and thereafter transferred to Madhya Pradesh. Though the first respondent was working as a nurse after the marriage she quit the job and lived with the respondent herein. While so the petitioner sent a text message to the respondent stating that he want to live with his girl friend in the same house and the same was rejected by the first respondent. Hence, the petitioner filed a divorce petition against the first respondent before the Principal Judge , Family Court, Indore, Madya Pradesh in Divorce Petition in No.1512 of 2018 and the same was transferred to the Family Court, Vellore and numbered as F.C.O.P.No.203 of 2019. Thereafter, the first respondent filed Maintenance petition in I.A.No.3 of 2020 in F.C.O.P.No.203 of 2020 and the same was partly allowed with a direction to pay a sum of Rs.8,000/- per month as maintenance to the first respondent and Rs.7,000/- to the second respondent till the disposal of the divorce petition. While being so, the respondents herein filed a petition in F.C.M.C.No.45 of 2021 before the Family Court, Vellore, Vellore District under Section 125(1)(a)(b) of Criminal procedure Code seeking a sum of Rs.70,000/- as maintenance and Rs.50,000/- towards



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the litigation expenses and an order was passed wherein by order dated 21.11.2024 the petitioner was directed to pay a sum of Rs.12,000/- to the first respondent/wife and a sum of Rs.11,000/- to the 2<sup>nd</sup> petitioner/child totalling a sum of Rs.23,000/-. Challenging the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits that the gross salary of the petitioner is Rs.1,00,482/- and take home salary is Rs.85,000/- and he is paying monthly subscription L.I.C to his child. Therefore, the Trial Court ought not to have ordered maintenance of Rs.23,000/- towards the respondents herein. Hence, prays to allow this petition.

4. *Per Contra* the learned counsel for the respondents submitted that in the year 2020 the petitioner was earning a sum of Rs.1,04,982/- and now he would be earning more than Rs.1,40,000/- that apart only because of the cruelty the first respondent has left Madhya Pradesh and came to Vellore. The Trial Court has considered all the aspects and rightly ordered maintenance. Therefore, there is no necessity to interfere with the same.



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

6. On perusal of records it is seen that the Court below has considered all the aspects such as earning capacity of the petitioner and the cost of living and all other aspects and passed the impugned order. Therefore, this Court finds no illegality or infirmity in the impugned order. Hence, this petition is dismissed. Consequently the connected miscellaneous petition is closed.

**11.08.2025**

Index: Yes/No

Internet: Yes/No

Neutral Case citation: yes/no  
smn

To.

1. The Family Court, Vellore

2. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**  
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