



Crl.O.P.No.3380 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3380 of 2025
and Crl.M.P.No.2221 of 2025

M.Rajeshkumar

... Petitioner

Vs

Padmapriya

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of payment of 25 percent of maintenance amount dated 08.01.2025 in M.P.No.2 of 2024 in Crl.A.128 of 2024 on the file of Hon'ble Principal Dristict Court, Thiruvannamalai.

For Petitioner : Mr.G.S.Prabu

ORDER

This petition has been filed to set aside the order of payment of 25 percent of maintenance amount dated 08.01.2025 in M.P.No.2 of 2024 in Crl.A.128 of 2024 on the file of Principal Dristict Court, Thiruvannamalai.



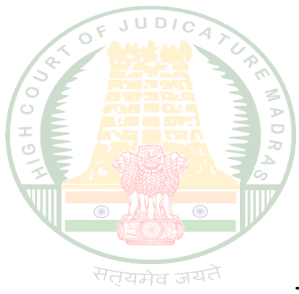
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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the husband of the respondent herein. They got married and due to domestic violence, the respondent herein got separated from the petitioner. She lodged a complaint under the Domestic Violence Act in DVC.No.29 of 2019, on the file of the Additional Mahila Court, Thiruvannamalai. The Trial Court awarded maintenance and also protection to the respondent. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.44 of 2022 before the appellate Court and the same was dismissed, confirming the order passed in DVC.No.29 of 2019.

4. In view of the same, the respondent filed a petition under Section 31 of DV Act to execute the order passed in DVC.No.29 of 2019. After enquiry, the Trial Court convicted the petitioner and sentenced him to undergo six months simple imprisonment. That apart, on the date of Judgment, the petitioner was absent and as such, Non-Bailable Warrant



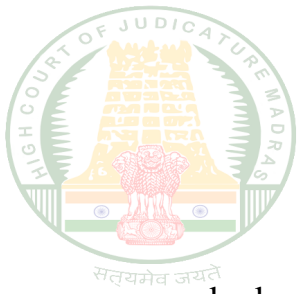
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was issued as against the petitioner. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.128 of 2024 and also filed a petition for suspension of sentence in M.P.No.2 of 2024, before the Principal Sessions Judge, Tiruvannamalai. By an order dated 08.01.2025, the appellate Court suspended the sentence imposed by the Trial Court, on condition that the petitioner shall deposit 25% of the arrears of maintenance as awarded by the Trial Court.

5. The learned counsel for the petitioner would submit that the condition imposed by the appellate Court is onerous and the petitioner is not liable to pay any maintenance.

6. As stated supra, already the order of maintenance and protection were awarded in favour of the respondent in DVC.No.29 of 2019 and the same was also confirmed by the appellate Court. Accordingly, the petitioner was directed to pay a sum of Rs.15,000/- as monthly maintenance in favour of the respondent. However, the petitioner failed to comply with the same and as such, the appellate Court



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had rightly imposed a condition to deposit 25% of the arrears of maintenance to the credit of the Trial Court, while suspending the sentence.

7. Therefore, this Court finds no infirmity or illegality in the order passed in M.P.No.2 of 2024 in Crl.A.128 of 2024 dated 08.01.2025 on the file of Principal Dristict Court, Thiruvannamalai. Accordingly, this Criminal Original petition is dismissed. Consequently, connected Miscellaneous petition is closed.

10.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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CrI.O.P.No.3380 of 2025

To

1. The Principal Dristict Court, Thiruvannamalai.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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