



WEB COPY

CRL RC No. 531 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 531 of 2025

1. R.Sathiya

W/o.Balasivaramakrishnan

2. B.S.Reshikasri (Minor)

D/o.Balasivaramakrishnan,

Rep by mother and natural Guardian the

1st petitioner herein

Both residing at No.146/1, Chinna

Vengayapalli Village, Karuppanur Post,

Thirupattur Taluk and District.

Petitioner(s)

Vs

1. Balasivaramakrishnan.V

S/o.Veerabadran,

No.51/67A, Rangadass Colony,

3rd Street, Villivakkam,

Chennai - 600 049.

Respondent(s)



PRAYER: This Criminal Revision Petition is filed under Section 438 of BNSS 2023 read with 442 of BNSS Act, to call for the entire records in M.C.No.69 of 2022 on the file of the I Additional Principal Family Judge, Chennai and to set-aside the part of the order dated 06.09.2024 and to enhance the amount from Rs.10,000/- per month to Rs.20,000/- per month as far as the 1st petitioner is concerned.

For Petitioner(s): Mr.R.Ganesh Babu

ORDER

The petitioners have filed this criminal revision petition challenging the order dated 06.09.2024 passed in M.C.No.69 of 2022 by the learned I Additional Principal Family Judge, Chennai.

2. The respondent/husband had already filed O.P.No.3738 of 2018 for dissolution of marriage between the first petitioner/wife and the respondent/husband. The first petitioner/wife had also filed O.P.No.142 of 2018 for restitution of Conjugal rights before the Subordinate Court, Tirupattthur. The petitioners have also filed the maintenance case under Section 125 Cr.P.C., in M.C.No.69 of 2022, seeking monthly maintenance.



3. Though the first petitioner had already invoked Section 24 of the Hindu Marriage Act and when the same was pending before the Court, she has also invoked Section 125 Cr.P.C., before the I Additional Family Court at Chennai and filed M.C.No.69 of 2022 and the said petition was partly allowed by the Family Court vide order dated 06.09.2024.

4. Considering the economical status of the respondent/wife and income and liability of the respondent/wife, the Family Court ordered Rs.10,000/- per month to the first petitioner and Rs.20,000/- per month to the second petitioner, as monthly maintenance on the file of the I Additional Family Court at Chennai.

5. Considering the scope and object of Section 125 Cr.P.C., this Court does not find any perversity or illegality or infirmity in the impugned order passed by the learned I Additional Family Judge at Chennai and this is not a fit case for admission.



6. It is submitted that the first petitioner/wife had already invoked Section 24 of the Hindu Marriage Act. Hence, the petitioners are at liberty to work out their remedy before the Court in the pending petition filed under the Hindu Marriage Act. Hence, this Criminal Revision Petition is dismissed at the admission stage itself.

15-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The I Additional Principal Family Judge, Chennai



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