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Crl.R.C.No.273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.273 of 2025

and

Crl.M.P.No.2428 of 2025

M.Ramamurthi

... Petitioner

..vs..

1. R.Kamali

2. R.Sanjay

... Respondents

Criminal Revision Case filed under Section 125 Cr.P.C / 144 of BNSS, 2023, to set aside the order dated 19.10.2023 passed by the learned Judge, Family Court, Vellore in F.C.M.C.No.66 of 2021.

For Petitioners : Mr.E.Felix Parthiban
for M/s.S.Joel

ORDER

Since no adverse order is going to be passed by this Court, this revision petition is taken up today for final disposal at the admission stage itself, without issuing notice to the respondents.



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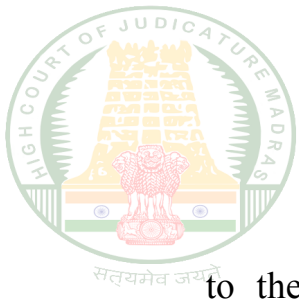
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2. This Criminal Revision Petition is filed to set aside the order dated 19.10.2023 passed by the learned Judge, Family Court, Vellore in F.C.M.C.No.66 of 2021.

3. The petitioner is the husband, the first respondent is the wife and the second respondent is their second son. The respondents herein filed a maintenance case in F.C.M.C.No.66 of 2021 before the Family Court, Vellore under Section 125(1)(a)(b) Cr.P.C praying to direct the petitioner-husband to pay a sum of Rs.10,000/- each per month as maintenance to the respondents-wife and son. The Court below, *vide* order dated 19.10.2023, directed the petitioner-husband to pay a sum of Rs.3,000/- per month to the first respondent-wife and Rs.2,000/- per month to the second respondent-son. Assailing the said order, the husband has filed the present revision petition.

4. Learned counsel for the petitioner submitted that the marriage between the petitioner-husband and the first respondent-wife was solemnized on 30.11.2001 and out of their wedlock, two sons were born



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to them. The petitioner-husband and first respondent-wife and their children are living separately for the past 10 years, as the first respondent-wife along with two sons had voluntarily left the residence of the petitioner. The first respondent-wife is running a shop and earning Rs.50,000/- per month. Further, the second respondent-son has already attained majority. He further submitted that the petitioner-husband, who suffers without any income, has to maintain himself and also maintain his age old mother. Further, the allegation made by the first respondent-wife that the petitioner-husband owns properties worth Rs.15 lakhs, is false and there is no independent oral and documentary evidence to prove the statement of the first respondent-wife. However, the Family Court failed to consider all those facts, awarded Rs.5,000/- in total to the respondents as maintenance, which warrants interference by this Court.

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

6. On a perusal of the records, it is seen that the relationship between the parties is not in dispute. There are no materials to show that



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the petitioner-husband is not a man of means and he is having sufficient means to maintain his wife - first respondent and his son-second respondent and he has also not proved that the first respondent-wife and second respondent-son are having sufficient means to maintain themselves. Further, the petitioner-husband had not filed the Affidavit of Assets and Liabilities, before the Court below or before this Court to prove their economic status, as per the decision of the Hon'ble Supreme Court in the case of *Rajnish vs. Neha and another* reported in **2021 (2) SCC 324**. It is further seen that at the time of filing of the maintenance case, the second respondent-son is a minor and that the Family Court, after appreciating the entire materials, ordered a sum of Rs.2,000/- as maintenance to the second respondent-son. As per the grounds of revision, now the second respondent completed 18 years and he attained majority. However, the petitioner-husband has not produced any document to prove the avocation of the second respondent-son and his earning capacity.

7. It is well settled that the husband is duty bound to maintain his dependents, regardless of his job and income. The petitioner-husband is



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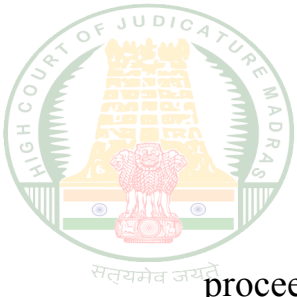
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having sufficient means to pay maintenance to the respondents, who are none other than his wife and son and it is also his responsibility and moral duty to take care of his wife and child by paying the maintenance.

8. Considering the facts and circumstances and also considering the cost of living as on date, the maintenance awarded by the Family Court is very reasonable and the same does not require any interference by this Court.

9. In the light of the above, this Court does not find any perversity or infirmity in the impugned order passed by the learned Judge, Family Court, Vellore and there is no merit in this revision petition and the same is liable to be dismissed. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

10. The petitioner-husband is directed to comply with the directions of the learned Judge, Family Court, Chennai in F.C.M.C.No.66 of 2021, dated 19.10.2023, failing which, the learned Judge is directed to



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proceed further against the petitioner-husband and take coercive steps to collect the arrears of maintenance amount from him.

12.02.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms

To

The Judge,
Family Court, Vellore.



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P.VELMURUGAN, J.

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