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CRL RC No. 464 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 464 of 2025

1. Shyam Krishnaswamy
S/o.Mr.R.Krishnaswamy, Presently
Residing At No.116, Golden Sands-2,
Al Mankhool, Bur Dubai, Dubai,
U.A.E. Rep By His Power Agent,
P.Kishore, 68 Years, S/o.P.Krishnan,
Presently Residing At Santhome High
Road, Chennai-600 004.

Petitioner(s)

Vs

1. Gomathy Mani
D/o.Late Shri Mani, C-11, Clover By
Appaswamy, 16, River View Road,
Kotturpuram, Chennai-600 085.

2.Trisha Shyam
(minor Aged 14 Years), D/o.Mr.Shyam
Krishnaswamy And Mrs.Gomathy
Mani, The 2nd Respondent Is A Minor
And Rep.By Her Mother And Legal
Guardian Mrs.Gomathi Mani The 1st
Respondent Herein)



Respondent(s)

PRAYER: This Criminal Revision filed under Section 438 r/w 442 of the BNSS
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Act, 2023, praying to set aside the order dated 14.11.2024 made in
M.P.No.1035/2024 in M.C.No.29/2023 on the file of the I-Additional Family
Court, Chennai.

For Petitioner(s): Mr.A.Raj Prince
For R.Thiagarajan

For Respondent(s):
Ms.R.Sumithra
For Mr.S.Chakkaravarthy
for R1 and R2

ORDER

The petitioner has filed this Civil Revision to set aside the order dated
14.11.2024 made in M.P.No.1035/2024 in M.C.No.29/2023 on the file of the I-
Additional Family Court, Chennai.

2. The 1st respondent appeared along with her counsel. The learned
counsel for the petitioner also appeared. The petitioner appeared through video



conference, but due to technical issues on his side, though he logged in, he was unable to hear the proceedings.

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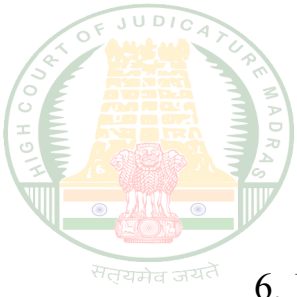
3. Before the Trial Court, the petitioner had filed an application under Section 482 Cr.P.C. to quash the MCOP proceedings initiated by the respondent in M.C.No.29 of 2023, seeking to reject the maintenance petition on the ground that the respondent/wife had not approached the Court with correct facts and had suppressed the compromise entered into between herself and the petitioner during the mutual consent divorce proceedings in H.M.O.P.No.4813 of 2015. The said application was contested by the respondent/wife. On hearing both sides, the learned Trial Judge dismissed the petition on merits. Aggrieved thereby, the present petition has been filed.

4. The learned counsel for the petitioner submitted that there was already a compromise entered into between the petitioner and the respondent in O.P.No.4813 of 2015. However, without referring to the said compromise, the respondent filed the MC petition, which itself shows that she has not



approached the Court with clean hands. Therefore, the petition for claiming maintenance ought to have been rejected. It was contended that the Trial Court failed to appreciate this aspect, and hence, the findings are liable to be set aside.

5. On the other hand, the learned counsel for the respondents pointed out that the mutual consent divorce proceedings in O.P.No.4813 of 2015, pending before the I Additional Family Court, Chennai, resulted in a compromise only between the petitioner and the 1st respondent, particularly in relation to the sale of their joint property at Dubai. With respect to the daughter, there was no compromise or settlement arrived at in the said proceedings. To substantiate this, the order passed in the mutual consent proceedings, annexed in the typed set at pages 26, 27, and 28, was referred to. A perusal of the same reveals that while terms and conditions were agreed upon between the petitioner and the 1st respondent, there was no specific term of compromise regarding the minor daughter and her maintenance. Therefore, as on date, the minor daughter, represented by her mother/1st respondent, is entitled to claim maintenance by filing M.C.No.29 of 2023 before the I Additional Family Court, Chennai.



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6. It was further specifically pointed out by the respondents counsel that the claim for maintenance was made only on behalf of the minor daughter, not for the 1st respondent herself. Hence, the minor daughter is entitled to proceed with the maintenance claim. The findings rendered by the Trial Court therefore require no interference. The MCOP Court is also directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

7. The learned counsel for the petitioner, however, drew attention to paragraphs 6, 7, and 8 of the compromise terms in the mutual consent proceedings, where there was reference to maintaining the minor child. However, admittedly, as on date, no maintenance has been paid by the petitioner to the minor child. Since there was no specific term of compromise regarding the child's maintenance, the minor child is entitled to independently claim maintenance.



8. Accordingly, the petitioner is entitled to raise all his defences before
the Trial Court.

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9. In view of the above, this Criminal Revision Case is disposed of.

23-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.The I Additional Family Court,
Chennai.

2.The public prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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