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Crl.RC.No.431 of 2025 and
Crl.M.P.No.5014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.431 of 2025 and
Crl.M.P.No.5014 of 2025

V.C.Jaisankaran

... Petitioner

Vs.

1. Vijaya

2. Minor Salai Yegarubika

Represented by her next friend Guardian/Mother

Vijaya

... Respondents

Prayer: Criminal Revision Case filed under Section 438 and 442 of Bhartiya Nagrik Suraksha Sanhita, 2023 set aside the order of maintenance of Rs.11,000/- by the husband to the wife and daughter dated 25.10.2024 in M.C.No.23 of 2021 on the file of the Judge of Family Court, Salem.

For Petitioner

: Mr.V.Sekar



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ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order of maintenance of Rs.11,000/- by the husband to the wife and daughter dated 25.10.2024 in M.C.No.23 of 2021 on the file of the Judge of Family Court, Salem.

2. The case of the petitioner is that the respondents 1 and 2 who are his wife and daughter filed maintenance case in M.C.No.23 of 2021 on the file of Family Court, Salem seeking maintenance. The learned Family Court Judge, by order dated 25.10.2024, ordered maintenance of Rs.6,000/- to the wife and Rs.5,000/- to the minor daughter. Aggrieved by the same, the petitioner/husband has filed the present revision.

3. It is seen that the maintenance case is of the year 2021 and the Magistrate was able to dispose the same only in the year 2024. It is settled proposition of law that the proceedings under Section 125 Cr.P.C. is summary



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in nature and therefore considering the length of the period taken by the Magistrate for disposing the maintenance case, this Court is inclined to dispose of this revision at the admission stage itself.

4. A perusal of the records shows that the relationship between the parties is admitted. It is also admitted that respondents are residing separately at Salem and the petitioner is residing in Chennai and he is getting monthly salary of Rs.54,000/-. The 2nd respondent who is a minor daughter is living with the 1st respondent/wife. The petitioner has not proved that the 1st respondent has income to maintain her and she has means to maintain them. But the respondents have proved that the petitioner is a man of means and despite having means, he is neglecting to maintain them.

5. Therefore, while considering the facts and circumstances and the assets and liability statement produced by the petitioner and the respondents, this Court finds that the order passed by the Magistrate is reasonable. The



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Magistrate has ordered only Rs.11,000/- (Rs.6,000 to wife and Rs.5,000/- to the child) which is not exorbitant. Even the Hon'ble Supreme Court has given guidelines that 25% of the income the husband/father can be considered while passing the order of maintenance.

6. In this case, the maintenance ordered by the Magistrate is not proportionate and it is lesser than the guidelines given by the Hon'ble Supreme Court. Therefore, there is no reason to interfere with the order passed by the Magistrate and there is no ground to admit this revision.

7. Accordingly, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

The Family Court,
Salem.



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P.VELMURUGAN. J.

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