



Crl.RC.No.419 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.419 of 2025 and

Crl.M.P.No.4741 of 2025

P.Selvam
S/o.Perumal
No.81, Assistant Executive Engineer
Tamil Nadu Power Generation and Distribution
Corporation Office
Mosoor Village, Arakkonam Taluk

Permanent Address

No.2/344, Ayar Vilai, 2nd Street
Arokkiyapuram Post
Thuthukudi District - 628002

... Petitioner

Vs.

1.Murugalakshmi

2. Mari Selvi

D/o. Selvam

(On behalf of 2nd petitioner her mother as
natural guardian)

... Respondents



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Prayer: Criminal Revision Case filed under Section 438 read with 442 of

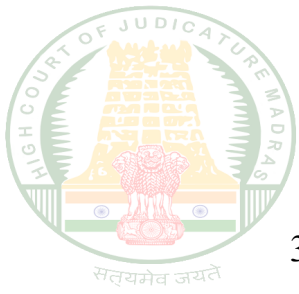
WEB C B.N.S.S. to set aside the order passed by the Judicial Magistrate-II at Arakkonam in M.C.No.18 of 2024 dated 06.12.2024.

For Petitioner : Mr.S.Esakkimuthu

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed by the Judicial Magistrate-II at Arakkonam in M.C.No.18 of 2024 dated 06.12.2024.

2. The case of the petitioner is that the respondents who are the wife and daughter of the petitioner, filed a maintenance case before the Judicial Magistrate-II, Arakkonam in M.C.No.18 of 2024 and the learned Magistrate by order dated 06.12.2024 ordered monthly maintenance of Rs.10,000/- each to respondents. Aggrieved by the same, the petitioner has filed the present revision.



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3. The learned counsel for the petitioner submitted that the second

respondent is a major and further she is an Engineering Graduate and earning a sum of Rs.40,000/- per month and therefore, the petitioner is not liable to pay any maintenance to the respondents and they are able to maintain themselves.

The Magistrate failed to consider the same and therefore, the order of maintenance has to be set aside.

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

5. A perusal of the records shows that the petitioner has not produced any materials or documents or proof to show that the second respondent is an Engineering Graduate and she is a woman of means and she is earning a sum of Rs.40,000/- per month. Even a perusal of the order passed by the Magistrate shows that the petitioner has not produced any document before the Magistrate much less than the educational qualification or income proof or salary slip or bank statement of the respondents. Admittedly the petitioner is working as



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Inspector of Electrical Post in the Electricity Department and getting admitted

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salary of Rs.58,000/-.

6. Therefore, the petitioner is a man of means and he has not produced any proof to show that the respondents are woman of means and they are getting salary/able to earn money. In the absence of any documentary proof and considering the cost of living prevailing as on date, the Magistrate rightly ordered a sum of Rs.10,000/- each to the respondents, which is not exorbitant.

7. This Court while considering the economic status of the petitioner and the cost of living prevailing as on date, does not find any reason to interfere with the order of the Magistrate. The grounds taken by the petitioner are only on factual matrix and there is no legal ground to admit this revision.

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

9. The petitioner is directed to comply with the order of the Magistrate



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within a period of one month from the date of receipt of a copy of this order

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failing which, the Magistrate is directed to issue warrant to execute the order.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2

To

The Judicial Magistrate-II

Arakkonam



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P.VELMURUGAN. J.

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