



Crl.R.C.No.828 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.828 of 2025

and

Crl.M.P.No.11465 of 2025

D.Selvam

... Petitioner

Versus

1.Mrs. Hemalatha

2.Mithun Narayan (minor)

Rep. By his mother Hemalatha

... Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, 1973, to set aside the order dated 02.01.2025 made in M.P.No.1544 of 2024 in M.C.No.660 of 2023, on the file of the V Additional Family Court at Chennai.

For Petitioner : Mr. M. Murali
For Respondents : Mr. C.K.M. Appaji

ORDER

This revision has been preferred against the order dated 02.01.2025 made in M.P.No.1544 of 2024 in M.C.No.660 of 2023, on the file of the V Additional Family Court at Chennai, thereby directing the petitioner



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herein/respondent therein to pay a sum of Rs.10,000/- per month to each of the

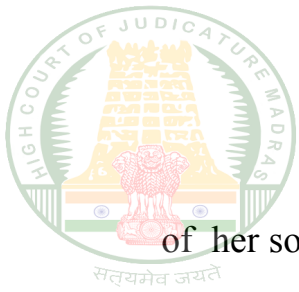
petitioners therein/respondents herein.

2. The brief facts of the case is as follows:

(i) The petitioner is the husband of the first respondent. They got married on 02.02.2017 and gave birth to one son, who is the second respondent herein. Due to the misunderstandings, they got separated, and the first respondent was driven out from the matrimonial house along with her son.

(ii) Since the first respondent was unable to maintain herself and her son/the second respondent herein, she filed a petition under Section 125 of Cr.P.C., in M.C.No.660 of 2023, seeking a direction to the respondent therein/the petitioner herein, to pay maintenance of Rs.20,000/- per month to each of the petitioners/respondents herein from 01.10.2020 to pay Rs.50,000/- per year towards education expenditure of the second respondent herein, to reimburse Rs.98,500/- incurred by the first respondent herein for the education of the second respondent herein and to pay Rs.1,00,000/- towards litigation expenses to the first respondent herein.

(iii) While the maintenance case was pending, the first respondent herein filed a petition in M.P.No.1544 of 2024, seeking interim maintenance for a sum of Rs.20,000/- to meet her day-to-day expenses as well as educational expenses



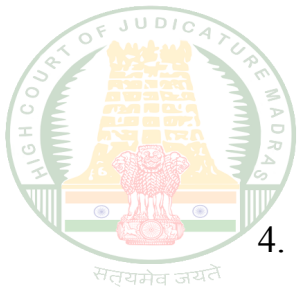
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of her son.

WEB COPY (iv) Considering the facts and circumstances of the case, the Trial Court awarded a sum of Rs.10,000/- each to the respondents, payable by the petitioner herein.

(v) Aggrieved by the said order, the petitioner has filed the present revision.

3. The learned counsel for the petitioner submitted that the first respondent had filed the above said maintenance petition seeking sum of Rs.20,000/- each. However, the Trial Court ordered Rs.10,000/- each instead of awarding a consolidated amount of Rs.10,000/- towards monthly maintenance for both the respondents herein. Further, he submitted that the first respondent/wife is working as a contract labour, and as such, she is capable of maintaining herself and meeting the education expenses of her son. Furthermore, he submitted that the petitioner is spending a significant portion of his monthly income towards EMI for a personal loan, his medical expenses as well as his mother's medical expenses. Without considering these factors, the Trial Court erroneously awarded a sum of Rs.10,000/- to each of the petitioners/respondents herein.



4. Per contra, the learned counsel appearing for the respondents submitted that after the birth of the second respondent, the petitioner began living with another woman, who has also given birth to his child. The petitioner is working in an I.T. Company, and earning more than a sum of Rs.1,52,000/- per month. In support of his contention, he has also produced the petitioner's monthly income statements before this Court, which was produced before the Trial Court along with their counter.

5. Heard the learned counsel appearing on both sides and perused the materials available on record.

6. On perusal of the statements of accounts, it is evident that the petitioner earns more than Rs.1,50,000/- per month from a private concern. The allegations raised in the matter are to be established before the Trial Court, when the matter proceeds to the stage of letting in evidence.

7. Considering the above facts of the case, this Court is inclined to reduce the maintenance awarded by the Trial Court from Rs.10,000/- each of the respondents to Rs.7,500/- each to the respondents. However, the petitioner is directed to pay the reduced interim maintenance of Rs.7,500/- until the



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disposal of the main case. The Trial Court is further directed to dispose of the case within a period of six months from the date of receipt of a copy of this order.

8. Accordingly, the order dated 02.01.2025 made in M.P.No.1544 of 2024 in M.C.No.660 of 2023 passed by the learned V-Additional Family Court, Chennai is modified as indicated above, and this Criminal Revision Case is partly allowed. Consequently, the connected miscellaneous petition is also closed.

29.07.2025

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

klt

To

1. The V-Additional Family Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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