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CRL RC No. 846 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 846 of 2023

and

CrI.M.P.Nos.6511 & 11303 of 2023

1. M.Vijayakumar
S/o. M.Muthukumaran,
2/52, Pilliar Koil Street, Laligam Post,
Nallampalli Taluk, Dharmapuri District.

Petitioner(s)

Vs

1. SASIKALA

2.Minor Janaki
(Minor represented By Next
Friend/mother Sasikala/guardian)

Respondent(s)

PRAYER: Petition filed under Section 397 read with Section 125(1)(A) of Cr.P.C., to call for the records relating to the order dated 28.12.2022 passed in MC.No.10 of 2022 on the file of the Family Court, Dharmapuri under Section 125 of Cr.PC and to set aside the same.



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For Petitioner(s): M/s.P.Mani

For Respondent(s): No representation

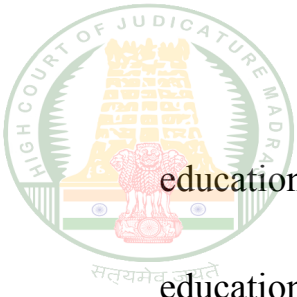
ORDER

This Criminal Revision Petition has been filed to set aside the order dated 28.12.2022 passed in MC.No.10 of 2022 on the file of the Family Court, Dharmapuri.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Today, when the matter is taken up for hearing, there is no representation for the respondent.

3. Learned counsel for the petitioner submitted that the petitioner/husband had already filed H.M.O.P.No.114 of 2019 on the file of the Additional Sub Court, Dharmapuri. An exparte order was passed on 05.07.2021 and he got divorce from the first respondent/wife. Subsequently, he got married to one Kasthuri. Out of his income, he has to maintain his family and also his parents.

<https://www.mhcoia.gov.in/> He had already sold his properties for marriage expenses and for the



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educational expenses of the first respondent. The first respondent is an educationally qualified person and she is able to maintain herself. The learned judge, family Court without considering the above facts, passed the impugned order, which warrants interference.

4. The petitioner is the husband and the first respondent is the wife. The relationship between the parties is not in dispute. The respondents have filed petition under Section 125 Cr.P.C., in M.C.No.10 of 2022 on the file of the Judge, Family Court, Dharmapuri. The learned Judge, Family Court directed the petitioner herein to pay maintenance to the respondents herein, vide impugned order dated 28.12.2022. Aggrieved by the same, the petitioner has filed this criminal revision petition. Though it is submitted by the learned counsel for the petitioner that he sold his properties for the first respondent's educational expenses, no material has been produced to prove the same. The petitioner has not disclosed his actual monthly income and he had suppressed the material facts.



5. On a perusal of the records, this Court finds that there is no valid ground available to interfere with the order passed by the learned Judge, Family Court and there is no perversity or reason to interfere with the impugned order passed by the learned Judge, Family Court. However, the petitioner is directed to pay all the arrears of maintenance amount to the respondents herein, as directed by the Judge, Family Court, Dharmapuri vide order dated 28.12.2022 in MC.No.10 of 2022, failing which, the Judge, Family Court is directed to take coercive steps to execute the said order.

6. With the abovesaid direction, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

10-03-2025

mfa

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To
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The Family Court, Dharmapuri



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P.VELMURUGAN J

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