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Crl.O.P.No.11152 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.11152 of 2025

Manonmani

... Petitioner

Vs

Senthilkumar

... Respondent

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, seeking to set aside the order dated 10.02.2025 made in Crl.R.P.No.2 of 2023 on the file of the Third Additional District and Sessions Court, Dharapuram, confirming the order dated 07.11.2022 made in M.C.No.3 of 2015 on the file of the learned Judicial Magistrate, Dharapuram.

For Petitioner : Mr.N.Manoharan

For Respondent : No appearance

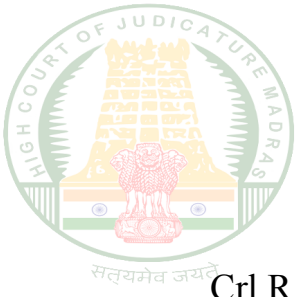
ORDER



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WEB COPY This Criminal Original Petition has been filed seeking to set aside the order dated 10.02.2025 passed in Crl.R.P.No.2 of 2023 on the file of the Third Additional District and Sessions Court, Dharapuram, confirming the order dated 07.11.2022 made in M.C.No.3 of 2015 on the file of the learned Judicial Magistrate, Dharapuram.

2. Learned counsel for the petitioner submitted that the petitioner filed a case seeking maintenance for herself and her minor son, in M.C.No.3 of 2015 on the file of the learned Judicial Magistrate, Dharapuram. The learned Magistrate ordered maintenance only for minor son and refused to order maintenance amount for the petitioner. Challenging the maintenance order passed for the minor son, the respondent/father filed a revision before this Court in Crl.R.C.No.1630 of 2022. This Court, after hearing both sides and considering the facts, upheld the order passed by the learned Magistrate and dismissed the revision filed by the respondent, vide order dated 07.08.2024. Challenging the dismissal order passed by the learned Magistrate, Dharapuram, the petitioner/mother has also filed a revision petition in



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Crl.R.P.No.2 of 2023 before the third Additional District and Sessions Judge, Dharapuram . The Third Additional District and Sessions Judge, Dharapuram vide impugned order dated 10.2.2025 dismissed the petition on the ground that this Court upheld the order of the learned Magistrate and hence refused to interfere with the order passed by the learned Magistrate.

3. According to the learned counsel for the petitioner, this Court upheld the order of the learned Magistrate only in respect of the maintenance order granted to the minor son. This Court has not dealt with the refusal of the maintenance order passed by the learned Magistrate. Therefore, the order passed by the learned Third Additional District Judge, Dharapuram is erroneous.

4. Despite service of notice to the respondent and his name being printed in the cause list, none appeared on behalf of him.

5. Heard the learned counsel for the petitioner and perused the



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materials available on record.
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6. Admittedly, the petitioner filed a maintenance case seeking maintenance for herself and for her minor son in M.C.No.3 of 2015 on the file of the learned Judicial Magistrate, Dharapuram. The maintenance sought for by the petitioner for her minor son was granted, however, the maintenance sought for by the petitioner for herself was refused. When the petitioner filed a revision petition before the Sessions Judge, the learned Sessions Judge, instead of dealing with the case, has simply referred the order of this Court in Crl.R.C.No.1630 of 2022 by upholding the maintenance order granted to the minor son. Hence, the impugned order passed by the learned Sessions Judge, is liable to be set aside.

7. Hence, the Criminal Revision Petition No.2 of 2023 on the file of the learned Third Additional District Judge is remitted back to the Third Additional District and Sessions Judge, Dharapuram to deal with the case independently and to dispose of the matter in accordance with law and on merits.



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8. With the abovesaid direction, this Criminal Original Petition is disposed of.

11.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1.The Third Additional District and Sessions Court, Dharapuram.

2. The Judicial Magistrate, Dharapuram.



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P.VELMURUGAN, J.

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