



Crl.R.C.No.1573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1573 of 2024

and

Crl.M.P.No.13099 of 2024

K.Mayil @ Babu

... Petitioner

Vs

1.S.Vishnupriya

2.Nagaheswaran (Minor),

Rep. by the Guardian, mother Mrs.Vishnupriya

... Respondents

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, pleaded to call for the records in M.C.No.23 of 2020 on the file of Judicial Magistrate No.2, Hosur dated 05.02.2024 and set aside the same as illegal and abuse of process of law and allow the revision.

For Petitioner : M/s.A.Vishnupriya

For Respondents : No appearance

ORDER

This Criminal Revision Case has been preferred against the order dated 05.02.2024 passed in M.C.No.23 of 2020 by the learned Judicial



Crl.R.C.No.1573 of 2024

Magistrate No.2, Hosur, thereby ordering maintenance in favour of the respondents.

2. The marriage of the petitioner/husband and the 1st respondent/wife was solemnized on 11.07.2018 as per Hindu rites and customs and the 2nd respondent/son was born from and out of the wedlock between the petitioner and the 1st respondent. Due to misunderstanding, the respondents were driven out of the matrimonial house and hence, they were not able to maintain themselves. Thereafter, the respondents have filed a maintenance case u/s 125 of Cr.P.C. in M.C.No.23 of 2020 on the file of Judicial Magistrate No.2, Hosur. After trial, the Trial Court ordered a sum of Rs.10,000/- each as monthly maintenance in favour of the respondents, vide impugned order dated 05.02.2024. Aggrieved by the same, the present revision is filed by the petitioner.

3. Learned counsel appearing for the petitioner would submit that after filing counter in the MC, the petitioner met with an accident and due to which, he sustained injuries and had undergone surgery. Further, he submitted that now also the petitioner is suffering from the injuries sustained by him. He further submitted that though the petitioner is



WEB COPY

continuing his job in the same post, he was not able to pay such a huge maintenance amount of Rs.20,000/- to the respondents. Accordingly, he prays for appropriate orders.

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

5. There is no dispute about the marriage between the petitioner and the 1st respondent. The 1st respondent is the wife and the 2nd respondent is the son of the petitioner. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

6. A perusal of the entire records reveals that the respondents have filed maintenance case in M.C.No.23 of 2020 seeking monthly maintenance for them. After trial, the Trial Court ordered a sum of Rs.10,000/- each as monthly maintenance in favour of the respondents,



vide impugned order dated 05.02.2024.

WEB COPY

7. In the case on hand, it is claimed by the petitioner that after filing counter in the MC, he met with an accident and due to which, he sustained injuries and had undergone surgery and now also, he is suffering from the injuries sustained by him. Hence, it is seen that the petitioner was struggling to pay the monthly maintenance to the respondents as ordered by the Trial Court. Therefore, this Court is inclined to reduce the monthly maintenance.

8. Accordingly, the petitioner is directed to pay the monthly maintenance at the rate of Rs.7,500/- each to the respondents from the date of the petition in maintenance case. Further, the petitioner is also directed to pay the said maintenance amount to the respondents on or before the 5th day of every English Calendar month. It is seen that the petitioner did not pay even a single penny to the respondents till date. Therefore, the respondents are at liberty to take appropriate steps against the petitioner in accordance with law.



Crl.R.C.No.1573 of 2024

9. With the above observations and directions, this Criminal

Revision Case is partly allowed. Consequently, the connected miscellaneous petition is closed.

22.07.2025

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

sp

To

The Judicial Magistrate No.II, Hosur.



WEB COPY



Crl.R.C.No.1573 of 2024

G.K.ILANTHIRAIYAN, J.

sp

Crl.R.C.No.1573 of 2024

22.07.2025