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CRL RC No. 2422 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2422 of 2024

and

CRL MP No.18621 of 2024

1. RAJMOHAN

S/o.Raman,

No.242, Main Road, Semmedu,

Panrutti,

Cuddalore - 607 106.

Petitioner(s)

Vs

1. ROOPAVAHINI

W/o.Rajmohan

2.Minor Tharaneswar

S/o.Rajmohan,

Rep By His Mother And Natural

Guardian/1st Respondent

Both Are Residing At No.102, 1st

Floor, Valmiki Street, Thiruvanmiyur,

Chennai - 600 041.

Respondent(s)



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This Criminal Revision Petition is filed under Section 397 read with 401 of Cr.P.C., to call for the records pertaining to the order dated 19.04.2023 passed in M.C.No.539 of 2017, pending on the file of Learned VII Additional Family Court, Chennai and set aside the same.

For Petitioner(s): Mr.A.Prakash

For Respondent(s): Mrs.K.Kavitha

ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to the order dated 19.04.2023 passed in M.C.No.539 of 2017, on the file of the VII Additional Family Court, Chennai and to set aside the same.

2. The respondents herein have filed a petition under Section 125 Cr.P.C., in M.C.No.539 of 2017 on the file of the VII Additional Family Court, Chennai , seeking maintenance from the petitioner herein. The learned Judge, Family Court, *vide* impugned order dated 19.04.2023, directed the petitioner herein to pay monthly maintenance of Rs.7,500/- each to the respondents herein .



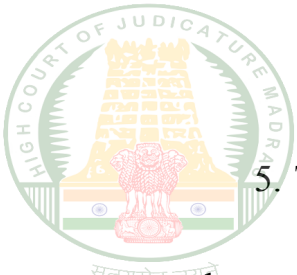
Aggrieved by the same, the petitioner/husband has filed this Criminal Revision

Petition.

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3. Learned counsel for the petitioner/husband submitted that the first respondent/wife is working in a private company and she is able to maintain herself, which fact has been suppressed before the trial Court. Further, the first respondent left the matrimonial home voluntarily without any valid reason. The petitioner filed the petition for restitution of conjugal rights and the same was allowed. Despite the same, the first respondent neglected and refused to live with the petitioner. Hence, the first respondent is not entitled for any maintenance. Further the second respondent attained majority and hence he is also not entitled to get any maintenance. The trial court failed to consider the abovesaid facts, while passing the impugned order. Further, the petitioner is earning Rs.30,000/- as monthly salary and his take home salary is Rs.15,000/-. Out of which, he cannot pay Rs.15,000/- as maintenance. Hence, he prayed to set aside the impugned order passed by the learned Judge, Family Court.

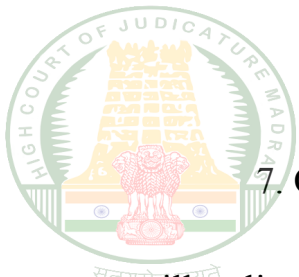
4. Heard the learned counsel on either side and perused the materials available on record.



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5. The relationship between the parties is not in dispute. The petitioner and respondents are living separately, which is also not in dispute. The paternity of the second respondent is not in dispute. The petitioner is working as driver in State Transport Corporation. Admittedly, the petitioner is getting salary of Rs.30,000/- per month. The petitioner has not proved the disqualification of the first respondent from getting maintenance. Even assuming that even after obtaining the order of restitution of conjugal rights by the petitioner and if the wife has not joined with him, that might not be the sole ground for rejection of maintenance.

6. The scope and object of Section 125 Cr.P.C is very clear that the wife, who is unable to maintain herself is entitled to get maintenance from the husband. The petitioner has not substantiated that the first respondent/wife is able to maintain herself. The petitioner is working as driver in State Transport Corporation and he is able to maintain the respondents/wife and son. It is stated that the second respondent attained majority. At the time of filing of the petition in the year 2017, the second respondent was a minor. The second respondent is entitled to get maintenance till he attains majority.



7. On a reading of the materials, this Court does not find any perversity or illegality in the order passed by the learned Judge, Family Court. There is no merit in the criminal revision petition and the same is liable to be dismissed.

8. Accordingly, this Criminal Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

16-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The VII Additional Family Court, Chennai.



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P.VELMURUGAN J

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