



CRL.R.C.No.639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

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

Crl.R.C.No.639 of 2025

and Crl.M.P.No.10277 of 2025

Pratheep Joe Siluvai
represented by his Power of Attorney
Celin Shiny I

... Petitioner

Vs.

Rohitha Mary Alka

... Respondent

PRAYER: Criminal Revision case has been filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to allow this Criminal Revision Petition by setting aside the fair order of the Learned III Additional Principal Family Court in M.P.No.1090 of 2024 in M.C.No.576 of 2023 dated 25.03.2025.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.B.Janakiraman

ORDER

This Criminal Revision case has been filed to allow this Criminal Revision Petition by setting aside the fair order of the Learned III Additional Principal Family Court in M.P.No.1090 of 2024 in M.C.No.576 of 2023 dated 25.03.2025, thereby ordering interim maintenance of Rs.30,000/- per month to



CRL.R.C.No.639 of 2025

the respondent herein and her child.

WEB COPY

2. Heard both sides and perused the materials available on record.

3. The marriage between the petitioner and the respondent was solemnized on 04.07.2019. The petitioner is employed at USA. After their marriage, both went to USA and settled there. Due to their wed lock, they gave birth to male child. Thereafter, the respondent was ill-treated by the petitioner and his family members and also harassed her. Therefore, the respondent was driven out from the residence of the petitioner at USA. She and her child returned to India. The respondent also lodged a complaint as against the petitioner and the same was registered in Crime No.666 of 2024 for the offence punishable under Section 427 of IPC for torn of passport of the respondent. The respondent also lodged another complaint for the offence punishable under Section 498A of IPC and other offences. Since the respondent and her child were driven out from the matrimonial house, the respondent was unable to maintain herself and her child. Therefore, the respondent was constrained to file a petition seeking maintenance under Section 125 Cr.P.C in M.C.No.526 of 2023. Pending main case, the respondent filed a petitioner for interim

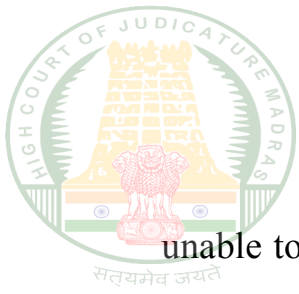


CRL.R.C.No.639 of 2025

WEB COPY maintenance in M.P.No.1090 of 2024. The Trial Court, by an order dated 25.03.2025 ordered for interim maintenance of Rs.60,000/- payable by the petitioner in favour of the respondent and her child from the date of filing of petition.

4. The learned counsel for the petitioner would submit that though the petitioner is working in USA, he is drawing salary to the sum of Rs.5 Lakhs. He availed home loan and a property was purchased jointly by the petitioner and the respondent herein and he is paying monthly installments of Rs.2,53,759/-. He is also paying other dues. That apart, he is maintaining his aged parents. Therefore, the interim maintenance ordered by the learned Magistrate is exorbitant and onerous one and cannot be complied by the petitioner.

5. Per contra, the learned counsel for the respondent would submit that the petitioner is drawing more than Rs.10 Lakhs per month as salary and he is capable to pay the interim maintenance ordered by the Trial Court. That apart, the order was passed on 25.03.2025 and even till today, the petitioner did not pay any single penny. Though the property was purchased jointly, the respondent was driven out from the said house. Therefore, the respondent is

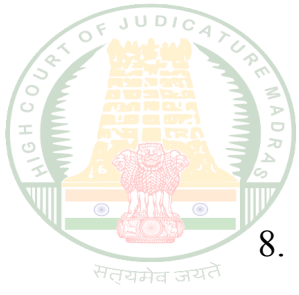


CRL.R.C.No.639 of 2025

unable to maintain herself and the Trial Court had rightly ordered maintenance to the tune of Rs.60,000/-.

6. A perusal of records revealed that admittedly, the petitioner is working in abroad and drawing more than a sum of Rs.5 Lakhs as salary. Two FIRs were registered as against the petitioner, alleging that the petitioner had torn the passport of the respondent and as such, the respondent could not able to go to USA. That apart, the respondent is now residing in Chennai with her male child.

7. In view of the above, this Court is inclined to reduce the interim maintenance to some extent. Accordingly, the interim maintenance order by the Trial Court in M.P.No.1090 of 2024 in M.C.No.576 of 2023 dated 25.03.2025, is hereby reduced to Rs.25,000/- each to the respondent and her son payable by the petitioner as interim maintenance till the disposal of the maintenance case in MC.No.576 of 2023. The Trial Court is directed to dispose of the maintenance case in M.C.No.576 of 2023, within a period of three months from the date of receipt of a copy of this order.



CRL.R.C.No.639 of 2025

8. Accordingly, this Criminal Revision case stands disposed of.

WEB COPY

Consequently, connected Miscellaneous petition is closed.

04.06.2025

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mn



WEB COPY



CRL.R.C.No.639 of 2025

G.K.ILANTHIRAIYAN, J

mn

To

The III Additional Principal Family Court,
Chennai.

Crl.R.C.No.639 of 2025

04.06.2025