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CRL.R.C.No.641 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.641 of 2025

and Crl.M.P.No.10281 of 2025

L.Balasenthilmurugan

... Petitioner

Vs.

1. Dr.S.Saraswathi

2. B.Seiyanthikha Sri Laxmi

... Respondents

PRAYER: Criminal Revision case has been filed under Section 397 and 401 of Cr.P.C/Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 15.03.2025 made in Crl.MP.No.1811 of 2024 in Crl.MP.No.536 of 2023 in MC.No.508 of 2022 on the file of the Ld. First Additional Principal Family Court, Chennai by allowing this Criminal Revision petition before this Hon'ble Court.

For Petitioner : Mr.N.Manoharan

ORDER

This Criminal Revision case has been filed to set aside the order dated 15.03.2025 made in Crl.MP.No.1811 of 2024 in Crl.MP.No.536 of 2023 in MC.No.508 of 2022 on the file of the First Additional Principal Family Court, Chennai, thereby issuing arrest warrant as against the petitioner herein.

2. Heard the learned counsel for the petitioner and perused the materials



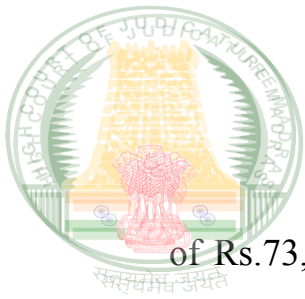
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available on record.

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3. The petitioner is the husband of the first respondent. They got married and gave birth to the second respondent. Due to misunderstanding between them, the respondents were driven out from the matrimonial house. Therefore, the respondents were unable to maintain themselves and filed a maintenance case in M.C.No.508 of 2022 on the file of the First Additional Principal Family Court, Chennai. Pending maintenance case, the respondents filed an application for interim maintenance in Crl.M.P.No.536 of 2023. The Trial Court ordered maintenance of Rs.10,000/- in favour of the first respondent and Rs.5000/- in favour of the second respondent. Aggrieved by the same, the petitioner preferred revision before this Court in Crl.R.C.No.2020 of 2023. This Court, by an order dated 01.08.2024, modified the order passed by the Trial Court and accordingly, directed the petitioner to pay monthly maintenance of Rs.5,000/- in favour of the first respondent and Rs.10,000/- in favour of the second respondent as interim maintenance. However, the petitioner failed to pay any maintenance.

4. Therefore, the respondents were constrained to file an application under Section 125(3) of Cr.P.C, seeking arrears of maintenance. The Trial Court, by an order dated 15.03.2025 recorded that, so far the petitioner had paid a sum



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of Rs.73,740/- and he is in arrears of Rs.2,56,260/- as on date of filing of the application in Crl.M.P.No.1811 of 2024.

5. Even after receipt of the notice, the petitioner failed to appear before the Trial Court and also did not submit any proof of having paid the entire arrears or of continuing to pay the interim maintenance. Therefore, the Trial Court had issued arrest warrant.

6. The learned counsel for the petitioner would submit that the first respondent is the Doctor. She had completely suppressed the assets and liability in her maintenance petition. Without considering the same, the Trial Court ordered for maintenance. That apart, without giving any opportunity, the petitioner was set exparte before the Trial Court and issued warrant of arrest as against the petitioner.

7. A perusal of records revealed that already the interim maintenance granted by the Trial Court was confirmed by this Court with the above said modification and as such, the petitioner ought to have complied with the said order. Therefore, the grounds raised by the petitioner is a matter for trial before



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the Trial Court. However, so far, the petitioner is in arrears of interim maintenance to the tune of Rs.2,56,260/- from the date of filing of application.

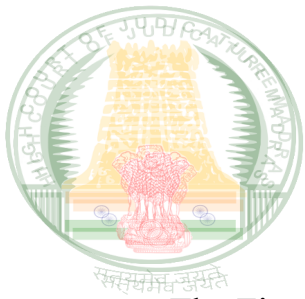
8. In view of the above, this Court finds no infirmity or illegality in the order dated 15.03.2025 passed by the Trial Court in Crl.MP.No.1811 of 2024 in Crl.MP.No.536 of 2023 in MC.No.508 of 2022. However, the Trial Court is directed to dispose of the maintenance case, within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, this Criminal Revision case stands dismissed. Consequently, connected Miscellaneous petition is closed.

04.06.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To



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The First Additional Principal Family Court,
Chennai.



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G.K.ILANTHIRAIYAN, J

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