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Crl.R.C.No.818 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

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

Crl.R.C.No.818 of 2025
and
Crl.M.P.No.11396 of 2025

Rajeev Kumar

... Petitioner

Vs

1.P.Yamini

2.Baby R.Y.Vidhuran (Minor),

Rep. by their Natural Guardian, mother Mrs.P.Yamini

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., pleaded to set-aside the interim order dated 10.03.2025 passed in C.M.P.No.835 of 2024 in M.C.No.33 of 2024 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, by allowing this Revision.

For Petitioner : M/s.Rohini Ravikumar

For Respondents : Mr.J.Saravana Vel



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ORDER

This Criminal Revision Case has been preferred against the order dated 10.03.2025 passed in CMP.No.835 of 2024 in MC.No.33 of 2024 by the learned Judicial Magistrate, Additional Mahila Court, Alandur, thereby ordering interim maintenance in favour of the respondents.

2. The marriage of the petitioner/husband and the 1st respondent/wife was solemnized on 12.12.2013 at Malar Kalyana Mandapam, Madurai 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 petitioner and the 1st respondent are living separately and the respondents were not able to maintain themselves. Therefore, the respondents have filed a maintenance case u/s 125 Cr.P.C. in M.C.No.33 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Alandur. Pending the Maintenance Case, the respondents have also filed a petition u/s 144(1)(a)(b) of BNSS claiming interim maintenance of Rs.60,000/- p.m. and the Trial Court ordered a sum of Rs.35,000/- towards 2nd respondent's educational expenses, Rs.32,055/- towards EMI amount for personal loan



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and Rs.10,000/- each as monthly maintenance in favour of the respondents, vide impugned order dated 10.03.2025. Aggrieved by the same, the present revision is filed by the petitioner/husband.

3. Learned counsel appearing for the petitioner would submit that there is absolutely no proof to show that the 1st respondent availed personal loan to the tune of Rs.15,00,000/- and handed over the said amount to the petitioner. She also produced records to show that from the year 2020, there was transfer of money from the account of the petitioner's mother to the 1st respondent. While pending trial, the Trial Court ought not to have directed the petitioner to pay the EMI amount for the personal loan availed by the 1st respondent. Further, she submitted that the petitioner is now unemployed, since the passport and other educational documents are under the custody of the 1st respondent. However, on instructions, the learned counsel submitted that the petitioner is ready to pay the educational expenses of the 2nd respondent and the interim maintenance to the respondents. Accordingly, he prays for appropriate orders.



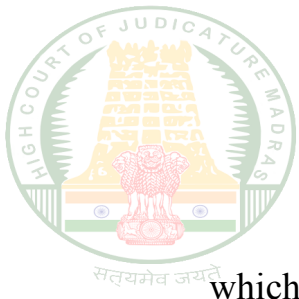
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4. Learned counsel appearing for the respondents submitted that insofar as the EMI amount for personal loan to the tune of Rs.32,055/- is concerned, it can be considered during the trial in maintenance case, however, the interim maintenance ordered by the Trial Court in favour of the respondents has to be paid by the petitioner, since 1st respondent/wife is now unemployed and struggling to meet her day-to-day expenses. Considering all the said aspects, the Trial Court had rightly passed the impugned order in favour of the respondents, which is *per se* sustainable and the same does not require any interference. Accordingly, he prays for dismissal of this revision.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

6. 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,



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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.

7. A perusal of the entire records reveals that the respondents have filed maintenance case in M.C.No.33 of 2024 seeking monthly maintenance for them. Pending the Maintenance Case, the respondents have also filed a petition in CMP.No.835 of 2024 in M.C.No.33 of 2024 seeking interim maintenance. After trial, the trial court ordered a sum of Rs.35,000/- towards educational expenses of the 2nd respondent, Rs.32,055/- towards EMI amount for personal loan in favour of the 1st respondent and Rs.10,000/- each as monthly maintenance in favour of the respondents, vide impugned order dated 10.03.2025.

8. In the case on hand, though the petitioner claims that he is unemployed, however it is submitted by the learned counsel for the petitioner that the petitioner is ready to pay the educational expenses of the 2nd respondent and the interim monthly maintenance to the



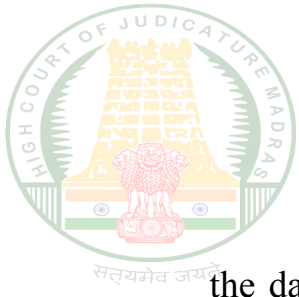
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respondents as ordered by the Trial Court. In view of the fair submission made by the learned counsel appearing for the petitioner, this Court is not inclined to interfere with the same and accordingly, the same are confirmed.

9. Insofar as the EMI amount for personal loan to the tune of Rs.32,055/- in favour of the 1st respondent as ordered by the Trial Court in paragraph No.4.6(b) of the impugned order is concerned, it is contended by the learned counsel appearing for the petitioner that now the petitioner is unemployed, since his passport and other educational documents are under the custody of the 1st respondent. In view of the same and also considering the fact that the same has to be decided only at the time of trial in the Maintenance Case, this Court sets aside the direction issued by the Trial Court in paragraph 4.6(b) of the impugned order.

10. With the above observations and directions, this Criminal Revision Case is partly allowed. The Trial Court is directed to dispose of the case in M.C.No.33 of 2024 within a period of three (3) months from



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the date of receipt of a copy of this order. 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, Additional Mahila Court, Alandur.



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G.K.ILANTHIRAIYAN, J.

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