



Crl.R.C.No.857 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.08.2025

CORAM:

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

Crl.R.C.No.857 of 2025
and Crl.M.P.No.14840 of 2025

T.Krishnamoorthy

... Petitioner

Vs.

1. M.Narthana

2. Minor Aadha Krishna

Rep. by guardian mother Narthana

... Respondents

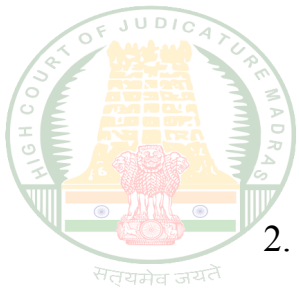
PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in respect of the order dated 20.05.2025 in Crl.M.P.No.581 of 2023 in M.C.No.3 of 2021 passed by the learned District Munsif cum Judicial Magistrate, Madathukkulam and set aside the exparte order.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mrs.R.Preethikaa
For Mr.D.R.Arunkumar

ORDER

This Criminal Revision has been preferred as against the order dated 20.05.2025, passed by the learned District Munsif cum Judicial Magistrate, Madathukkulam, in Crl.M.P.No.581 of 2023 in M.C.No.3 of 2021, thereby ordered to pay arrears of maintenance.

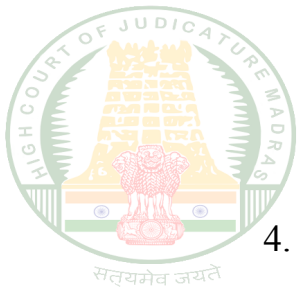


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2. The petitioner is the husband of the first respondent and they gave

birth to the second respondent. However, due to misunderstanding they got separated and as such the respondents filed petition for maintenance. After receipt of the notice in the maintenance case, the petitioner failed to appear before the trial Court. Therefore, he was set exparte and also ordered monthly maintenance of Rs.10,000/- in favour of the respondents. Even then, the petitioner did not comply the order. Therefore, the respondents filed petition under Sections 125(3) of Cr.P.C., to execute the maintenance order. In the said petition, the trial Court ordered to pay the arrears of maintenance failing which, imposed imprisonment for the period of twelve months fifteen days. Aggrieved by the same, the petitioner filed the present revision.

3. The learned Counsel appearing for the petitioner submitted that the petitioner already filed petition to set aside the exparte order passed in the maintenance case and it is pending. Further there is a chance for amicable settlement between the parties and as such, he requested to refer the matter before the Mediation at Tiruppur District.



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4. The learned counsel appearing for the respondents submitted that the petitioner is working in a welding shop and earning more than Rs.35,000/- per month. That apart, the trial Court has ordered very meagre amount to the tune of Rs.10,000/-. Therefore, he prayed for dismissal of this petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the above facts and circumstances, in order to give one more opportunity to the petitioner, this Court is inclined to set aside the impugned order on certain conditions. Accordingly, the order dated 20.05.2025, passed by the learned District Munsif cum Judicial Magistrate, Madathukkulam, in Crl.M.P.No.581 of 2023 in M.C.No.3 of 2021, is hereby set aside on condition that the petitioner shall pay a sum of Rs.4,000/- in favour of first respondent and a sum of Rs.3,500/- in favour of the second respondent in total sum of Rs.7,500/- (Rupees seven thousand five hundred only) as monthly maintenance from the month of August, 2025 onwards, failing with the order passed by this Court shall automatically stand cancelled. Further the trial Court viz., the learned District Munsif cum Judicial Magistrate, Madathukkulam, is directed to take the petition to set aside the exparte order passed in the



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maintenance case on file and dispose the same on merits and in accordance with law. If the trial Court allowed the petition to set aside the exparte order, the petitioner is at liberty to proceed with the maintenance case. However, till the disposal of the main maintenance case, the petitioner shall pay a sum of Rs.7,500/- to the respondents as monthly maintenance.

7. With the above directions, the Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

18.08.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

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To

1. The District Munsif cum
Judicial Magistrate,
Madathukkulam.



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G.K.ILANTHIRAIYAN. J,

rts

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