



Crl.R.C.No.1270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.R.C.No.1270 of 2024 &
Crl.M.P.No.11129 of 2024

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M.Sudhakaran

.. Petitioner

Vs.

1.Vasumathi

2.S.Deeshiya (Minor)

D/o.M.Sudhakaran,
Minor Rep. by her mother, Vasumathi,
both at No.51, Kumaran Street,
Panchetty Village & Post,
Ponneri Taluk,
Thiruvallur District - 601 204.

.. Respondents

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., 1973, to set aside the order dated 28.06.2024 made in M.C.No.03 of 2023, passed by the learned Judicial Magistrate No.1 at Ponneri.

For petitioner : Mr.R.Munusamy



Crl.R.C.No.1270 of 2024

ORDER

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The petitioner/husband has filed this revision challenging the order passed by the learned Judicial Magistrate No.1, Ponneri in M.C.No.3 of 2023, granting maintenance of Rs.5,000/- per month to each of the respondents.

2. The petitioner is the husband, the first respondent is the wife, and the second respondent is the minor daughter. The respondents filed a maintenance case under Section 125 Cr.P.C., contending that the petitioner had failed to provide financial support despite having sufficient means. The learned Magistrate, after considering the facts and evidence, found that the petitioner was employed at SRF Limited, Gummidipoondi, earning Rs.50,000/- per month, and directed him to pay maintenance of Rs.5,000/- per month to each of the respondents.

3. The learned counsel for the petitioner has contended that the learned Magistrate erred in granting maintenance without considering that the first respondent is an engineering graduate and employed at a Cooperative Society, earning sufficiently for her sustenance. He further argued that he has several financial liabilities, including statutory deductions, health insurance, and the maintenance of his aged parents, who are dependent on him. He also contended that the first respondent voluntarily left the matrimonial home and is, therefore, not entitled to maintenance. The petitioner claimed that his actual income is lower than

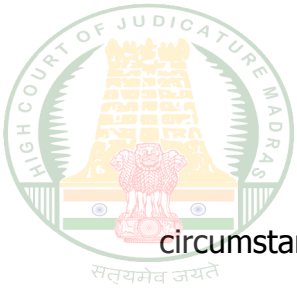


Crl.R.C.No.1270 of 2024

what was considered by the Magistrate, and the salary slip he produced was not duly appreciated.

4. Upon perusal of the records, it is evident that the learned Magistrate has taken into account all relevant factors, including the financial capacity of the petitioner, his admitted employment, and the needs of the respondents. The petitioner has not denied his employment, and the dispute regarding the quantum of salary lacks substantial proof in his favour. The contention regarding the first respondent's employment is also not supported by any documentary evidence. The learned Magistrate has awarded only Rs.5,000/- per month each to the respondents, which cannot be said to be excessive or unjustified.

5. On a reading of the materials, this Court does not find any merit or perversity to interfere with the order passed by the learned Magistrate, especially since the maintenance has been pending from 2023. The matter has also been pending before this Court since 2024, and even at the stage of adjourned admission, and it has been repeatedly adjourned. The delay in deciding the maintenance matter has caused undue hardship to the respondents, particularly the minor child, who is entitled to financial support for her well-being and education. Considering the prolonged pendency and the settled legal principle that maintenance is a right of the dependents, this Court finds no justification to interfere with the order of the learned Magistrate. The maintenance awarded is minimal and appropriate given the



Crl.R.C.No.1270 of 2024

circumstances of the case, and the petitioner has not provided any compelling reason for this Court to interfere with the findings of the lower court. Therefore, under the given circumstances, this Court is not inclined to admit the revision petition, as no substantial injustice is demonstrated to warrant interference.

6. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

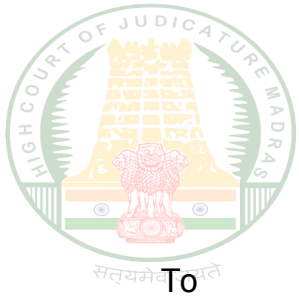
26.03.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



Crl.R.C.No.1270 of 2024

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To
The Judicial Magistrate No.1
Ponneri.



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Crl.R.C.No.1270 of 2024

P.VELMURUGAN, J

r n s

Crl.R.C.No.1270 of 2024 &
Crl.M.P.No.11129 of 2024

26.03.2025