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Crl.RC.Nos.1138 of 2025 and etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM:

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

**Crl.R.C.Nos.1138, 1139, 1140, 1141, 1143, 1144 and 1145 of 2025
and
Crl.M.P.Nos.14214, 14216, 14217, 14218, 14220, 14222 & 14224 of 2025**

K.Prabakaran Petitioner in all Crl.R.Cs
Vs

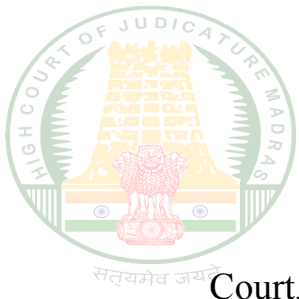
M.Mala Respondent in all Crl.R.Cs

COMMON PRAYER : Criminal Revisions have been filed under Section 438 & 442 of BNSS, to call for the records relating to the case in Crl.M.P.Nos.658 of 2017, 661 of 2024, 653 of 2022, 660 of 2024, 360 of 2020, 1015 of 2018 and 994 of 2019 in M.C.No.402 of 2010 on the file of the learned III Additional Principal Family Court, Chennai – 600 104 and set aside the impugned order dated 03.04.2025 passed therein by allowing these Criminal Revision Petitions.

For Petitioner (in all Crl.R.Cs) : Mr.G.Saravanan

COMMON ORDER

These Criminal Revision Cases have been filed challenging the order dated 03.04.2025 passed in Crl.M.P.Nos.658 of 2017, 661 of 2024, 653 of 2022, 660 of 2024, 360 of 2020, 1015 of 2018 and 994 of 2019 in M.C.No.402 of 2010 by the learned III Additional Principal Family



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Court, Chennai, thereby issuing the distress warrant against the petitioner in the petitions filed by the respondent under Section 125(3) of Cr.P.C. for recovery of arrears of maintenance.

2. The respondent filed a maintenance case in M.C.No.402 of 2010 as against the petitioner as if she got married to the petitioner on 20.07.2002 and obtained ex-parte order of maintenance on 20.06.2016. Aggrieved by the same, the petitioner filed a petition in Crl.M.P.No.1186 of 2024 to set aside the ex-parte order in M.P.No.407 of 2016 and the same was allowed on 30.08.2017 by the Trial Court on condition that the petitioner shall pay half of the arrears of maintenance amount on or before 30.09.2017, failing which, the order stands cancelled. However, the petitioner could not comply with the said condition. Subsequently, the respondent filed petitions under Section 125(3) of Cr.P.C. in Crl.M.P.Nos.658 of 2017, 661 of 2024, 653 of 2022, 660 of 2024, 360 of 2020, 1015 of 2018 and 994 of 2019 in M.C.No.402 of 2010 for recovery of arrears of maintenance. The Trial Court issued Distress Warrants for recovery of arrears of maintenance by attachment of movable and immovable properties of the petitioner. Aggrieved by the same, the present revision cases have been filed.



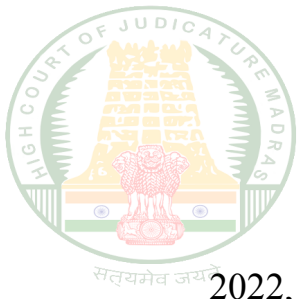
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3. The learned counsel appearing for the petitioner submitted that the petitioner had already filed a petition in Crl.R.C.No.718 of 2025 before this Court, challenging the ex-parte order dated 20.06.2016 passed in Crl.M.P.No.1186 of 2024 in M.C.No.402 of 2010 by the III Additional Principal Family Court, Chennai. This Court, by an order dated 16.07.2025, set aside the order passed by the Trial Court and afforded an opportunity to prove their marital status or their live in together relationship before the Trial Court. Further, this Court directed the Trial Court to issue fresh notice to the petitioner and the respondent and after giving opportunity of hearing to both to let in evidence and dispose of the same in accordance with law. He further submitted that the petitioner has been in judicial custody from 03.06.2025.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. Considering the submissions made by the learned counsel for the petitioner and in the light of the order passed by this Court in Crl.R.C.No.718 of 2025, dated 16.07.2025, all the present criminal revision cases are liable to be set aside. Accordingly, the orders dated 03.04.2025 passed in Crl.M.P.Nos.658 of 2017, 661 of 2024, 653 of



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2022, 660 of 2024, 360 of 2020, 1015 of 2018 and 994 of 2019 by the learned III Additional Principal Family Court, Chennai, are hereby set aside.

6. The petitioner is directed to be set at liberty forthwith, unless his custody is otherwise required in connection with any other case. The fine amount, if any paid, shall be refunded to the petitioner forthwith. The bail bond, if any executed, shall stand cancelled.

7. In the result, these Criminal Revision Cases are allowed. Consequently, connected miscellaneous petitions are closed.

21.07.2025

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

Note : Issue order copy on 25.07.2025.

To

1. The III Additional Principal Family Court,
Chennai.

2. The Superintendent,

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Central Prison,
Puzhal, Chennai.

G.K.ILANTHIRAIYAN. J,

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1144 and 1145 of 2025
and
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14220, 14222 & 14224 of 2025

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