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Crl.RC.No.1971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1971 of 2024 and

Crl.M.P.No.16106 of 2024

R.Alagu Iyappan

... Petitioner

Vs.

1.A.S.Nithya

2. A.N.Arshanth (Minor)

(2nd respondent is minor child rep. by
his mother)

... Respondents

Prayer: Criminal Revision Case filed under Section 438 of B.N.S.S. to set aside the order dated 04.03.2024 made in M.C.No.103 of 2021 on the file of learned II Additional Principal Family Court, Chennai.

For Petitioner : No Appearance

For Respondents : Mr.Bharath.P



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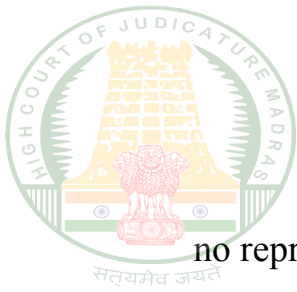
ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 04.03.2024 made in M.C.No.103 of 2021 on the file of the II Additional Principal Family Court, Chennai.

2. The first respondent is the wife and the second is the son of the petitioner. The first respondent along with the second respondent filed a maintenance case against the petitioner in M.C.No.103 of 2021 before the II Additional Principal Family Court, Chennai, seeking maintenance of Rs.20,000/- to the first respondent/wife and Rs.5,000/- to the second respondent/minor son along with litigation expenses of Rs.10,000/-. The learned Judge, Family Court partly allowed the petition directing the petitioner herein to pay maintenance of Rs.10,000/- to the first respondent/wife and a sum of Rs.5,000/- to the second respondent/son. Challenging the same, the petitioner has filed the present revision before this Court.

3. Today (07.04.2025), when the matter is taken up for hearing, there is



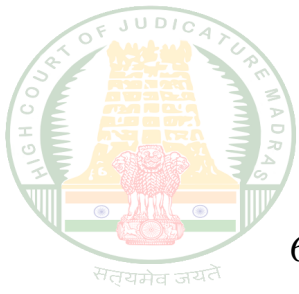
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no representation for the petitioner.

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4. Since this revision is arising out maintenance case filed by the wife and minor son of the petitioner in the year 2021, this Court is inclined to dispose of this case by hearing the learned counsel for the respondents and perusing the materials available on record.

5. The petitioner has not denied the relationship with the first respondent and the paternity of the child/second respondent. It is admitted that the respondents are living separately from the petitioner. The petitioner has taken the stand that the first respondent left the matrimonial home without any valid reason and the only expectation of the first respondent is money from the petitioner and that she was using the petitioner as ATM machine. Further, the first respondent is a qualified person who is an M.E. Graduate and she is also working and that the petitioner only taking care of the school and other things of the second respondent. The trial Court failed to consider the same and ordered maintenance of Rs.15,000/- to the respondents.



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6. The learned counsel for the respondents submitted that the first respondent only is taking care of the son/second respondent and she is unemployed. The petitioner himself admitted in the affidavit of assets and liability that initially he was getting income of Rs.31,000/- and now he is getting Rs.40,000/- and therefore, Family Court ordered maintenance of Rs.15,000/- to the respondents and the same is reasonable.

7. The scope and object of Section 125 Cr.P.C. is to ensure the financial support of wives, children and parents who are unable to maintain themselves, empowering them to claim maintenance from those legally obligated to provide it, whereas, in this case, the first respondent is a Post Graduate in Engineering and she is also a abled person to earn for her survival and that she has not produced any material to show that she is unable to maintain herself.

8. Therefore, the order of maintenance granted to the first respondent is set aside.

9. However, the petitioner has not proved that there are means to



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maintain the second respondent/child. As a father, the petitioner is liable to

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maintain his child/second respondent on par with his stats. The maintenance of Rs.5,000/- ordered by the Family Court to the second respondent will not be enough. **Therefore, the maintenance ordered by the Family Court to the second respondent is enhanced to Rs.15,000/- per month.**

10. Accordingly, the maintenance ordered by the Family Court to the first respondent is set aside and the maintenance ordered by the Family Court to the second respondent is enhanced as stated above.

11. With the above modification, this Criminal Revision case is disposed of. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The II Additional Principal Family Court,
Chennai.

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P.VELMURUGAN. J.

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