



Crl.R.C.Nos.1962 of 2024 and 2161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos.1962 of 2024 and 2161 of 2023

1. H.Sumathi, W/o K.Harikrishnan
2. H.Stella D/o K.Harikrishnan .. Petitioners in Crl.R.C.No.1962 of 2024

1. G.Sumathy, D/o Ganapathy
2. Stella, D/o Hari Krishnan .. Petitioners in Crl.R.C.No.2161 of 2024

Vs.

K.Harikrishnan, S/o Kalasthri Naicker .. Respondent in Crl.R.C.No.1962 of 2024

K. Hari Krishnan, S/o Kalasthri Naicker .. Respondent in Crl.R.C.No.2161 of 2024

Criminal Revision Case No.1962 of 2024 filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to call for the entire records pertaining to the impugned order dated 01.12.2023 made in M.P.No.72 of 2021 in M.C.No.287 of 2006, on the file of the III Additional Principal Family Court, at Chennai and to set aside the same.

Criminal Revision Case No.2161 of 2023 filed under Section 397 read with Section 401 of Cr.P.C. to call for the records relating to the impugned docket order made in Crl.M.P.No.1305 of 2023, dated 07.10.2023 in M.P.No.72 of 2021 in M.C.No.287 of 2006 on the file of the III Additional Principal Family Court, Chennai and set aside the same.

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For petitioners in both Crl.R.Cs. : Mr.Adv.R.Krishnamurthy

For respondent in both Crl.R.Cs : No appearance

COMMON ORDER

Criminal Revision Case No.1962 of 2024 is filed to call for the entire records pertaining to the impugned order dated 01.12.2023 made in M.P.No.72 of 2021 in M.C.No.287 of 2006, on the file of the III Additional Principal Family Court, at Chennai and to set aside the same.

2. Criminal Revision Case No.2161 of 2023 is filed to call for the records relating to the impugned docket order made in Crl.M.P.No.1305 of 2023, dated 07.10.2023 in M.P.No.72 of 2021 in M.C.No.287 of 2006 on the file of the III Additional Principal Family Court, Chennai and set aside the same.

3. There is no representation for the respondent (husband) in both the revision petitions. This Court heard the submissions made by the learned counsel for the petitioners (wife and daughter) in both the revision petitions.

4. In the earlier round of litigation filed by the husband, before this Court in Crl.R.C.Nos.903 and 907 of 2023, this Court, by order dated 29.08.2023,

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observed as follows:

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"5. The memo of calculation filed by Mr.R.Krishnamurthy, learned counsel for the respondents clearly would go to show that the present revision petitioner is in arrears of maintenance of Rs.8,96,000/- till July 2023. In fact, the learned counsel for the respondents, in his memo of calculation, had taken into account the salary attachment made by the garnishee from January 2021 to 21.06.2023 and also the cash of Rs.1,00,000/- and a cheque of Rs.2,00,000/-."

5. The main contention of the learned counsel for the revision petitioners (wife and daughter) is that the respondent-husband had mis-led the Court and that, without giving an opportunity of hearing, the Court below has passed the impugned docket order dated 07.10.2023 and recalled the non-bailable warrant (NBW) issued against the respondent-husband.

6. This Court perused the materials available on record.

7. It is fairly stated by the learned counsel for the petitioners that the respondent-husband had made payments frequently and that, before recalling

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the NBW, the revision petitioners herein, were not heard.

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8. In the above circumstances, the impugned docket order dated 07.10.2023 passed M.C.No.287 of 2006 and also the order dated 01.12.2023 in M.P.No.72 of 2021 in M.C.No.287 of 2006, are set aside.

9. The matter is remitted back to the III Additional Principal Family Court, Chennai and the III Additional Principal Judge, Family Court, Chennai is directed to give a direction to both the learned counsel for the parties to file fresh calculation memo/statement regarding the amount of maintenance due and paid, etc., and based on the said calculation memo/statement to be filed, and only after hearing both the parties, necessary orders be passed, on merits in the main maintenance case itself (M.C.No.287 of 2006), as expeditiously as possible.

10. With the above direction, both these Criminal Revision Petitions are disposed of.

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1. The III Additional Principal Judge, Family Court, Chennai.
2. The Section Officer, Criminal Section (Records), High Court, Madras.

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P.VELMURUGAN, J

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