



Crl.R.C.No.1705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1705 of 2024

and

Crl.M.P.No.14041 of 2024

Sridhar
S/o.Selvam

... Petitioner

..VS..

Banupriya
D/o.Chinnaraj

... Respondent

Criminal Revision Case filed under Section 438 read with 442 of BNSS, praying to call for the records in F.C.M.C.No.27 of 2021 dated 13.10.2023 on the file of the learned Family Court Judge, Chengalpattu and set aside the same.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.R.Sankarasubbu



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ORDER

The Criminal Revision Petition is filed to set aside the order passed in F.C.M.C.No.27 of 2021 dated 13.10.2023 on the file of the Family Court, Chengalpattu.

2. The marriage between the petitioner and the respondent was solemnized on 04.02.2018. Due to difference of opinion, they got separated and the petitioner-husband filed a divorce petition in H.M.O.P.No.16 of 2020 before the Uthankarai Court and it was transferred to the Family Court, Chengalpattu. The respondent-wife filed a petition under Section 125(1) Cr.P.C in F.C.M.C.No.27 of 2021 before the Family Court, Chengalpattu, claiming maintenance of Rs.20,000/- per month against the petitioner. The Court below, *vide* order dated 13.10.2023, directed the petitioner-husband to pay a sum of Rs.12,000/- per month, as maintenance to the respondent-wife from the date of filing of the petition. Challenging the said order, the present revision petition is filed by the husband.



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3. When the matter was taken up for hearing on 15.10.2024, at the request of both the parties, this Court referred the matter to the Mediation and Conciliation Centre of this Court for amicable settlement.

4. Today, when the matter is taken up for hearing, learned counsel for both sides reported that there was no settlement arrived at between the parties in the Mediation Centre. Therefore, this Court is now taking up the matter for final disposal.

5. Learned counsel for the petitioner submitted that the respondent-wife had voluntarily deserted the matrimonial home and she refused to live with the petitioner-husband. The petitioner-husband is always willing to live with the respondent-wife. However, the respondent has refused to live with the petitioner and that the petitioner-husband had filed a divorce petition in H.M.O.P.No.16 of 2020. He further submitted that the petitioner is working in a software Company in Coimbatore and he is residing in a rental house and he is not a man of means. The learned



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Judge, failed to consider the economic status of the petitioner and awarded a sum of Rs.12,000/- as monthly maintenance to the respondent-wife, which is exorbitant and the same may be set aside.

6. Learned counsel for the respondent submitted that the petitioner-husband without any reasonable cause, willfully deserted the respondent-wife, which caused great mental agony to her and even after repeated requests, the petitioner-husband did not take her back to the matrimonial home. The respondent is a dutiful wife. Even though the petitioner gave a lot of mental pressure to the respondent, the respondent wants to live with the petitioner. Now, she is living with her aged mother and without any income, the respondent had filed the maintenance case. He further submitted that the petitioner is working as a team leader in a reputed software Company at Coimbatore and earning a sum of Rs.50,000/- per month and apart from that, the petitioner is having own house and agricultural lands and vacant plot at Mettur and Coimbatore. He further submitted that though the petitioner remained absent, the Court below, after appreciating the entire materials, has rightly ordered



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interim maintenance to the respondent-wife. Therefore, there is no merit in the present Criminal Revision Petition and the same may be dismissed.

7. Heard both sides and perused the materials available on record.

8. On a perusal of the records, it is seen that the relationship between the parties is not in dispute. There are no materials to show that the petitioner-husband is not a man of means and he was not having sufficient means to maintain his wife-respondent and he has also not proved that the respondent-wife is having sufficient means to maintain herself. Further, the petitioner had not filed the Affidavit of Assets and Liabilities of both the parties before the Court below or before this Court to prove the economic status of both the parties as per the decision of the Hon'ble Supreme Court in the case of *Rajnesh vs. Neha and another* reported in *(2021) 2 SCC 324*.

9. No doubt, the main ingredients of Section 125 Cr.P.C is that the wife who is not able to maintain herself, if the husband is having



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sufficient means, it is the duty of the husband to maintain his wife, as if she is residing along with him. Admittedly, in the case on hand, the petitioner-husband is working as a software engineer in a reputed Company and earning a sum of Rs.50,000/- per month.

10. Considering the facts and circumstances of the case and also considering the income of the petitioner-husband, this Court does not find any perversity or infirmity in the impugned order passed by the Court below and there is no merit in the revision petition and the same is liable to be dismissed. The petitioner-husband is directed to comply with the directions of the learned Judge, Family Court, Chennai in F.C.M.C.No.27 of 2021 dated 13.10.2023, failing which, the learned Judge is directed to proceed further against the petitioner-husband and take coercive steps to collect the arrears of maintenance amount from him.

11. With the above observations and directions, this Criminal



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Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

06.02.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

The Judge,
Family Court,
Chengalpattu.



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P.VELMURUGAN, J.

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