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Crl.R.C No.480 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.480 of 2025

C.Sridhar

... Petitioner

..Vs.

1.Deepa

2.Minor C.S.Thushithaa

Minor represented by her mother

... Respondenta

Prayer: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS Act, to set aside the order dated 01.08.2024 made in M.C No.266 of 2021 by the III Additional Family Court, Chennai.

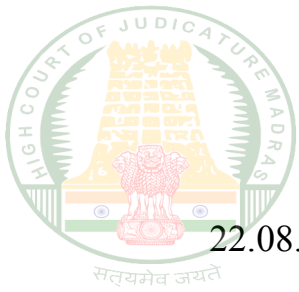
For Petitioner : Mr.B.Dineshkumar

For Respondents : Mr.G.Krishnamurthy

ORDER

This revision has been filed as against the order passed in M.C No.266 of 2021 by the III Additional Family Court, Chennai, dated 01.08.2024, thereby ordered maintenance of Rs.10,000/- per month to the 1st petitioner and Rs.20,000/- per month to the 2nd respondent.

2. The 1st respondent got married with the petitioner on



22.08.2012 and gave birth to the 2nd respondent. At the time of marriage,

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the petitioner was working as environmental consultant and earning Rs.35,000/- per month. However, the brother of the petitioner used to indulge in all sorts of black magic which was psychologically disturbing to the 1st respondent, since all the magic performances were performed during late night hours. It was happened daily and also her husband was unemployed, though stated during the marriage that he was working as environmental consultant. Therefore, the safety of the 1st respondent herself is under question and also, due to misunderstanding between them, they got separated. She also lodged a complaint for the cruelty committed by the petitioner before the Commissioner of Police, Chennai and she was issued C.S.R No.51 of 2020. Thereafter, the respondents could not able to maintain themselves and filed a petition seeking for maintenance under Section 125 of Cr.P.C. After the full-fledged trial, the trial Court ordered a sum of Rs.10,000/- per month to be paid to the 1st respondent and Rs.20,000/- per month to the 2nd respondent towards maintenance. Aggrieved over the same, the present revision is filed.

3. The learned counsel for the petitioner would submit that



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the petitioner did not even cross examine the 1st respondent regarding the allegation made in the petition and proof, particularly concerning her stated reason for leaving the matrimonial home. Consequently, the trial court awarded maintenance. In fact, the 1st respondent herself left the matrimonial home and living separately. She only deserted the petitioner. She also lodged a complaint before the police only for reunion and on the other hand, she filed a petition for maintenance. Further, the 1st respondent did not even prove the income of the petitioner and even according to the 1st respondent, the petitioner is an unemployed person and as such, he could not able to pay the said maintenance awarded by the trial Court. He would further submit that she is claiming maintenance from the income of the petitioner's parents. Admittedly, the petitioner is an unemployed person and his parents are receiving pension.

4. Per contra, the learned counsel for the respondents would submit that the petitioner has several immovable properties and his monthly income is more than Rs.1,00,000/-. The petitioner did not spend any single penny so far, even for the educational expenses of the 2nd respondent. The petitioner made several lies before the marriage and even then, the 1st respondent adjusted and gave birth to the 2nd



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respondent. After the marriage, the petitioner never had gone for any employment. His brother was doing black magic in the house itself and created great fear in the mind of the 1st respondent. The petitioner being a dutiful husband what he had maintained for the respondents. He also sold out his ancestral property and he has huge bank balance. Therefore, the trial Court has rightly awarded maintenance of Rs.10,000/- per month to the 1st respondent and Rs.20,000/- per month to the 2nd respondent which does not warrant any interference by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the 1st respondent is the wife of the petitioner herein and after the marriage, they gave birth to the 2nd respondent. Further, the petitioner's brother is doing black magic in his house and also, the petitioner did not go for any employment. Hence, due to torture, the respondents were driven out from the matrimonial home and they are living separately. Further, even according to the petitioner, he did not spend any money even for school expenditure of the 2nd respondent herein. But, the petitioner is qualified as B.E. He did not even produce



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any assets and liabilities before the trial Court. He also admitted that he has 1/4th share in his ancestral property. In fact, the petitioner had paid a sum of Rs.50,000/- as arrears of maintenance and the maintenance case was allowed by setting the petitioner as exparte. Thereafter, it was set asided and conducted trial. However, the respondents also did not produce any document to show that the petitioner is earning Rs.2 lakhs per month. However, the petitioner possess immovable property and thereby receiving rents. Hence, this Court is inclined to direct the maintenance by reduction from the maintenance awarded by the trial Court.

7. In view of the above, the petitioner is directed to pay a sum of Rs.10,000/- per month to each of the respondents 1 & 2 towards maintenance . Accordingly, this Criminal Revision is partly allowed.

05.08.2025

Index: Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN,J
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To

The III Additional Family Court, Chennai.

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