



CrI.R.C.No.1947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1947 of 2024
and
CrI.M.P.No.15960 of 2024
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Mr.Mohan Kumar

.. Petitioner

Vs.

Mrs.S.Priya

.. Respondent

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., 1973, and under Sections 438 read with Section 442 of the BNSS, 2023, to call for the records and set aside the interim maintenance awarded in the order passed in CrI.M.P.No.2842 of 2022 in M.C.No.8 of 2022, dated 07.11.2022 pending on the file of the Judicial Magistrate Court, Ambattur.

For petitioner : Mr.J.Jahith Rifai

For respondent: Mrs.S.Sridevi, Legal Aid Counsel

ORDER

This Criminal Revision Petition is filed to call for the records and set aside the interim maintenance awarded in the order passed in CrI.M.P.No.2842 of 2022 in M.C.No.8 of 2022, dated 07.11.2022 on the file of the Judicial Magistrate

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Court, Ambattur.

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2. The respondent herein (wife) has filed maintenance case in M.C.No.8 of 2022 before the Judicial Magistrate, Ambattur and pending the maintenance case, the respondent/wife had filed an application for interim maintenance in C.M.P.No.2842 of 2022 in M.C.No.08 of 2020, in which, due to non-appearance of the petitioner/husband, ex-parte order was passed on 07.11.2022, directing him to pay Rs.25,000/- to the respondent/wife, on or before 10th of every English calendar month, till the disposal of the main case in M.C.No.8 of 2020, and against the said order dated 07.11.2022, the present revision petition is filed by the husband.

3. It is seen that the impugned order is only an ex-parte order of interim maintenance and pending the main maintenance case in M.C.No.8 of 2020, the wife has filed the main maintenance case, which will have to be decided within a short span of time, since it is only summary procedure. However, the interim maintenance petition was pending for two years from the date of filing of the main maintenance case filed in 2020 by the wife.

4. Therefore, this Court finds that the Court below failed to understand the scope and object of Section 125 Cr.P.C., which, as observed above, is only a summary procedure and the interim maintenance had to be granted till the disposal of the main maintenance case/settling permanent alimony. The scope of



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Section 125 Cr.P.C. had been mis-read even by the Judicial Magistrate, Ambattur, Chennai.

5. Therefore, the impugned order dated 07.11.2022 is hereby set aside and the interim maintenance amount is hereby modified from Rs.25,000/- to Rs.10,000/- (Rupees ten thousand only) to be paid by the husband (petitioner herein) from the date of filing of the main maintenance case petition till the disposal of the main maintenance case.

6. However, the Court below is directed to decide the main maintenance case itself in M.C.No.8 of 2020 within a period of two months from the date of receipt of a copy of this order.

7. Both the parties are directed to extend their fullest cooperation for deciding the main maintenance case itself. Since the maintenance case proceedings are summary in nature, the parties are directed to file Statements of Assets and Liabilities before the Court below and the parties shall be given an opportunity to lead the evidence, if they so desire and the Court below is also directed to deposit the arrears of maintenance amount of Rs.10,000/- as directed above, from the date of filing of the interim application, till the disposal of the main maintenance case in M.C.No.8 of 2020. The arrears are to be deposited by the revision petitioner/husband within 30 days from today, failing which, this revision petition shall stand dismissed automatically without any further

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reference to Court and that thereafter, the petitioner/husband should pay Rs.25,000/- as interim maintenance as directed by the Court below on 07.11.2022.

8. With the above observations and directions, this criminal revision petition is disposed of. Consequently, the miscellaneous petition is closed.

12.02.2025

CS

To

1. The Judicial Magistrate, Ambattur, Chennai.
2. The Section Officer, Criminal Section, High Court, Madras.

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P.VELMURUGAN, J

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