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Crl.R.C.No.1580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1580 of 2024

Nainika

[Minor represented by

Harisha Cherukuru

Mother and Natural Guardian]

... Petitioner

Vs.

Suneel Boppana

... Respondent

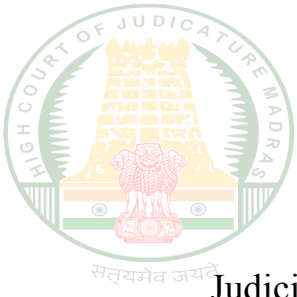
PRAYER: Criminal Revision Petition filed under Section 438 of BNSS, to set aside the order dated 27.08.2024 passed in M.C.No.15 of 2022 by the learned Judicial Magistrate No.II, Poonamallee.

For Petitioner : Ms.K.Bala Gayathri

For Respondent : Mr.Deepak Raj

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 27.08.2024 passed in M.C.No.15 of 2022 by the learned



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Judicial Magistrate No.II, Poonamallee.

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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner has filed the petition under Section 125 Cr.P.C., in M.C.No.15 of 2022, on the file of the Judicial Magistrate No.II, Poonamallee, seeking maintenance. The learned Magistrate vide impugned order dated 27.08.2024, granted maintenance for a sum of Rs.40,000/- to the petitioner and the same has to be paid only from the date of the said order, instead of from the date of petition, which is against proposition of law. The respondent is earning more than Rs.2 Lakhs per month and having sufficient means of income. Hence, maintenance amount ordered by the learned Magistrate is very less. Considering the status of the respondent/father, maintenance amount awarded by the learned Magistrate is liable to be enhanced.



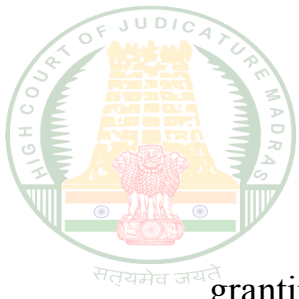
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4. Learned counsel for the respondent submitted that, at the time of filing the petition in M.C.No.15 of 2022, the respondent was working in abroad and now he lost the job and now settled at Hyderabad. He himself is struggling for livelihood and hence, he is unable to maintain the child. Wife is also a earning member and she is also able to maintain the child. Hence, he seeks dismissal of this criminal revision petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. The scope and object of 125 Cr.P.C., is very clear that if the wife/children are unable to maintain themselves, the husband/parents who are abled person has to maintain the wife and the children. In this case, the petitioner is only a child aged about 3½ years and she is unable to maintain herself and she has no independent income and property to maintain herself. Considering the age of the child, the impugned order



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granting maintenance amount of Rs.40,000/- is genuine.

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7. Considering the facts and circumstances of the case and also scope and object of 125 Cr.P.C., and also taking into account the income of the respondent, this Court finds that there is no merit in the revision petition. Regarding quantum of maintenance is concerned, the order passed by the learned Magistrate is set aside in respect of the date from which the maintenance amount has to be paid. The petitioner is entitled to get maintenance from the date of filing of the petition in M.C.No.15 of 2022, instead of date of the impugned order of the maintenance petition.

8. The respondent/father is directed to pay monthly maintenance as ordered by the Court below to the petitioner herein every month on or before 5th of every Calendar month. Further, he is directed to pay the entire arrears amount within a period of two months, failing which, the learned Magistrate is directed to issue a warrant and collect the arrears of maintenance amount by adopting coercive method.



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9. With the abovesaid direction, this Criminal Revision Petition is disposed of.

07.04.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Judicial Magistrate No.II, Poonamallee.



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P.VELMURUGAN, J.

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