



WEB COPY

CRL RC No. 1601 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 1601 of 2024

and

CRL MP No.13301 of 2024

1. C Kalidoss
S/o.Chandrasekar,
1/202/4/C5,
Guru Colony, Devar Kulam Road,
Sivakasi West, Sivakasi,
Virudhunagar-626 124.

Petitioner(s)

Vs

1. Divya Prabha
W/o.C.Kalidoss

2.Minor K.Yuvashri
D/o.Kalidoss,
(minor child Rep.By Natural Guardian
Of the 1st respondent),
Both Are Residing At
No.12, F2, Sri Mookambikai Flat,
2nd Cross Street, Ashoka Avenue,
Periyar Nagar, Chennai-600 082.



Respondent(s)

PRAYER: This Criminal Revision Petition filed under Sections 438 & 442 of BNSS, 2023, to call for the records of impugned order dated 17.08.2024 passed in M.P.No.790 of 2024 in M.C.No.500 of 2023 on the file of II Additional Principal Family Court at Chennai and set aside the same.

For Petitioner(s): C.Kalidoss
Petitioner In Person

For Respondent(s): R1 - Divya Prabha
Respondent in person

ORDER

This Criminal Revision Petition has been filed to call for the records of the impugned order dated 17.08.2024 passed in M.P.No.790 of 2024 in M.C.No.500 of 2023 on the file of the II Additional Principal Family Court at Chennai and set aside the same.

2. Today, when the matter is taken up for hearing, the petitioner and the respondent are appeared in person.

3. The respondents herein filed the maintenance case under Section 125 Cr.P.C., in M.C.No.500 of 2023 on the file of the learned Judge, II Additional Principal Family Court, Chennai. According to the petitioner/husband, due to untoward situations, he could not appear before the Family Court to contest the



maintenance case. Hence, ex-parte order was passed on 05.04.2024. Hence, the petitioner/husband filed Criminal Miscellaneous petition under Section 126(2) Cr.P.C., in M.P.No.790 of 2024 in M.C.No.500 of 2023, seeking to set aside the ex-parte order, dated 05.04.2024 passed in M.C.No.500 of 2023. The learned Judge, Family Court, vide impugned order dated 17.08.2024, dismissed the petitioner's petition. Challenging the same, the petitioner has filed this criminal revision petition.

4. Today, when the matter is taken up for hearing, the petitioner/husband appeared in person and submitted that the learned Judge, II Additional Family Court, Chennai, vide order dated 05.04.2024 in M.C.No.500 of 2023 directed the petitioner/husband to pay sum of Rs.5,000/- to the second respondent. Though the said amount was received by the first respondent, subsequently, she refused to receive the same and urged the court to proceed with the ex-parte order. Thereafter, the petitioner/husband filed the petition to set aside the ex-parte order and the same was dismissed. Challenging the same, the petitioner/husband has filed this criminal revision petition.



5. The first respondent/wife also appeared in person and submitted that she does not know as to whether the petitioner contested the maintenance case or not.

6. The impugned order dated 17.08.2024 passed in M.P.No.790 of 2024 in M.C.No.500 of 2023 on the file of II Additional Principal Family Court at Chennai, is an exparte order. Hence, in order to give an opportunity of hearing to both the petitioner and the respondents and as they are having serious grounds to contest the case, impugned order dated 17.08.2024 passed in M.P.No.790 of 2024 in M.C.No.500 of 2023 on the file of II Additional Principal Family Court at Chennai is set-aside.

7. The learned Judge, Family Court is directed to give opportunity to both the parties and decide the matter on merits and in accordance with law. Since the maintenance case is filed under Section 125 Cr.P.C., both the parties are directed to file the affidavit of assets and liabilities statement before the Family Court and also the learned Judge, Family Court is directed to dispose of the maintenance case within a period of two months from the date of receipt of a copy of this order.



8. Both the parties are at liberty to take all their grounds of defence before the Family court in M.C.No.500 of 2023.

9. Hence, this Criminal Revision Petition is allowed. Consequently, connected miscellaneous petition is closed.

15-04-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The II Additional Principal Family Court at Chennai



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P.VELMURUGAN J

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