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CrI.RC.No.1635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1635 of 2024

1.Beverly Larrissa Foregard

2. Ethan Gabriel D'Cruz

3. Chiara Gabriella D'Cruz

2nd & 3rd petitioners are represented by
their mother natural guardian 1st petitioner

... Petitioners

Vs.

E.Elridge Urban D'Cruz

... Respondent

Prayer: Criminal Revision Case filed under Section 438 read with Section 442 of B.N.S.S. to set aside the order dated 28.08.2024, passed by the learned VI Additional Family Court, Chennai in M.C.No.64 of 2020.

For Petitioners : M/s.Sumathi Lokesh

For Respondent : Mr.D.Ajith Kumar



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ORDER

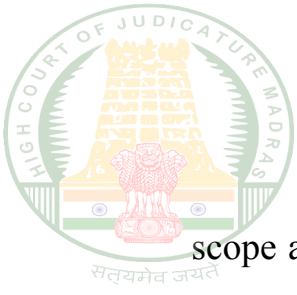
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This Criminal Revision Petition has been filed by the petitioners to set aside the order dated 28.08.2024, passed by the learned VI Additional Family Court, Chennai in M.C.No.64 of 2020.

2. The case of the petitioners is that the first petitioner is the wife of the respondent herein. The petitioners 2 and 3 are the children born to them. The first petitioner, along with the minor children filed a maintenance case against the respondent in M.C.No.64 of 2020 before the VI Additional Family Court, Chennai, invoking Section 125 Cr.P.C. The said petition was partly allowed by awarding monthly maintenance of Rs.15,000/- each to the children alone and the learned Judge, Family Court, failed to award any maintenance to the first petitioner/wife. Hence, the present revision is filed for enhancement and for maintenance to the first petitioner/wife.

3. Heard and perused the materials available on record.

4. As far as the maintenance to the first petitioner/wife is concerned, the

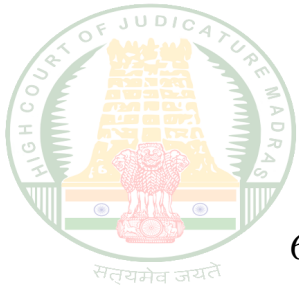


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scope and object of Section 125 Cr.P.C. is to provide maintenance to wife and

children who are unable to maintain themselves, whereas in this case, admittedly the wife/first petitioner is a graduate. Therefore, the learned Judge, Family Court rightly interpreted Section 125 Cr.P.C. and on finding that the first petitioner is a graduate and she is able to maintain herself, ordered maintenance only to the children. This Court does not find any compelled reason to interfere with the findings given by the Judge, Family Court.

5. As far as the maintenance to the petitioners 2 and 3/children is concerned, they are aged about 7 and 4 years respectively. The Judge Family Court has ordered maintenance of Rs.15,000/- each the petitioners 2 and 3. The first petitioner has not produced any document or receipt towards payment of school fees of the children. In the absence of any documentary proof or materials, this Court is not inclined to interfere with the order of maintenance awarded to the children/petitioners 2 and 3. This Courts finds no merits in this revision.



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6. Accordingly, this Criminal Revision Case is dismissed.

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7. However, the petitioners are at liberty to work out their remedy before the competent civil Court for enhancement of maintenance by invoking Section 127 Cr.P.C., if there is any change of circumstances.

15.04.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The VI Additional Family Court,
Chennai

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P.VELMURUGAN. J.

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