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Crl.RC.No.154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.154 of 2025 and

Crl.M.P.No.1262 of 2025

Alaguvel

... Petitioner

Vs.

Hemasri

... Respondent

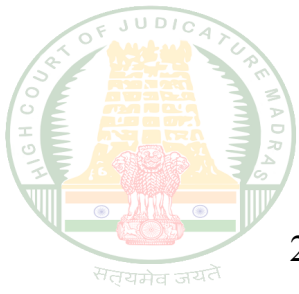
Prayer: Criminal Revision Case filed under under Section 397 read with Section 401 of Criminal Procedure Corde praying to call for the records of the order dated 16.05.2024 in M.C.No.13 of 2023 on the file of the Family Court, Krishnagiri and set aside the same.

For Petitioner : Mr.D.Arun

For Respondent : Mr.S.Vinoth Kumar

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 16.05.2024 in M.C.No.13 of 2023 on the file of the Family Court, Krishnagiri.



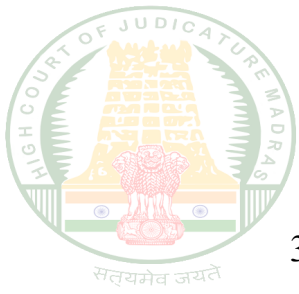
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2. The case of the petitioner is the respondent herein filed a maintenance

petition before the Family Court stating that that the respondent is a divorcee.

While the respondent and the petitioner were studying in a same college, the respondent compelled her to marry her. Since the respondent refused the same, the petitioner consumed rat poison and thereafter, the respondent changed her mind and accepted to marry the petitioner. However, the parents of the petitioner did not accept the same. Hence, on 18.08.2016 the petitioner married the respondent in the presence of the parents and relatives of the respondent.

After the marriage, they were residing at Krishnagiri for some time and later in Chennai and Salem. Thereafter, in September 2021, the petitioner who left to Chennai for job purpose, started to avoid respondent. Since the respondent does not have any property or income, she filed the maintenance petition. In the said petition, the learned Judge, Family Court, ordered maintenance of Rs.25,000/- per month. Aggrieved by the same, the petitioner has filed the present revision.



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3. The contention of the petitioner is that no marriage was performed between the petitioner and the respondent herein. The respondent used to threaten the petitioner using illegal marriage registration certificate. Since, there was no consummation of marriage, the petitioner moved the civil Court and filed a suit to declare the marriage as null and void. Subsequently, the respondent filed the maintenance petition against the petitioner. The learned counsel for the petitioner submitted that by mere registration of a marriage and production of a marriage certificate, it cannot be held that there is a valid marriage under the Hindu Marriage Act. The Court below failed to consider the fact that the registration of the marriage is a sham and nominal one without there being a performance of a marriage. The respondent also admitted during cross examination that there is no consummation of marriage between them. The learned Judge, Family Court failed to consider the same and ordered maintenance. In the case of ***Dolly Rani Vs. Manish Kumar Chanchal*** reported in ***2024 SCC OnLineSC 754***, the Hon'ble Supreme Court has held



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that, in the absence of any marriage in accordance with Section 7 of the Hindu

Marriage Act, a certificate issued in that regard by any entity is of no legal consequence. In this case, since there is no consummation of marriage, it is a void marriage and the petitioner is not liable to pay any maintenance to the respondent.

4. Heard both sides and perused the materials available on record.

5. The decision referred to by the learned counsel for the petitioner is not applicable to the present case on hand. Except the grounds for granting divorce, there is no whisper about the liability of payment of maintenance amount.

6. The petitioner has only challenged the marriage between the petitioner and the respondent and he has not taken any other ground regarding the financial capacity of the respondent/wife and whether she is able to maintain herself or not. Further, it is seen that the petitioner has already filed a suit to declare the marriage between the petitioner and the respondent as null and



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void.

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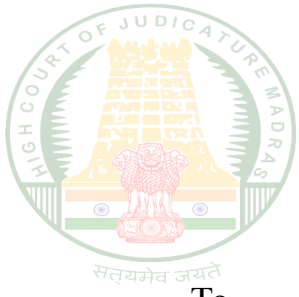
7. Under these circumstances, this Court finds that there is no merits in the revision and the same is liable to be dismissed.

8. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

9. However, the petitioner is at liberty to work out his remedy regarding validity of the marriage before the competent Court and until the competent Court decides the validity of the marriage between the petitioner and the respondent, the petitioner is liable to pay maintenance to the respondent. Therefore, the petitioner is directed to comply with the order of the Family Court regarding maintenance.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
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The Family Court, Krishnagiri



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P.VELMURUGAN. J.

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