



*Crl.R.C.No.2294 of 2024
& Crl.R.C.Nos.936,939 & 940 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.2294 of 2024 & Crl.R.C.Nos.936,939 & 940 of 2025
and Crl.M.P.Nos.12560, 12573 & 12576 of 2025

Justin Ashok, M/A 43 years,
S/o.Anasdoss William,
32, Swan Place, Reading,
United Kingdom - RG16QD.
Rep. By His Power of Attorney,
Mr.Anasdoss William, M/A 69 Years,
S/o.A.Royal Swamy,
No.7/32, Minor Trustpuram 3rd Street,
Choolaimedu, Chennai - 600 094.

... Petitioner in all Crl.R.Cs

Vs.

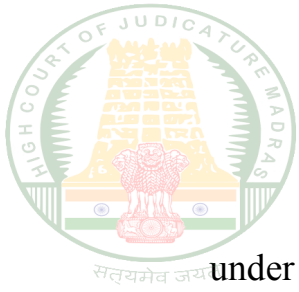
1.D.Maria Rita Sharmila

2. J.Annie Andrea (Minor)

Rep by the mother and natural guardian
D.Maria Rita Sharmila 1st respondent herein

... Respondents in all Crl.R.Cs

PRAYER in Crl.R.C.No.2294 of 2024: Criminal Revision Case filed



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under Section 397 r/w 401 of Cr.P.C/ Section 438 r/w 442 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 29.07.2024
passed in Crl.M.P.No. 125 of 2024 in M.C.No.172/2017 by the Hon'ble
Principal Family Court at Chennai.

PRAYER in Crl.R.C.No.936 of 2025 : Criminal Revision Case filed
under Section 397 r/w 401 of Cr.P.C/ Section 438 r/w 442 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 27.06.2024
passed in Crl.M.P.Nos. 124 of 2024 in M.C.No.172/2017 by the Hon'ble
Principal Family Court at Chennai.

PRAYER in Crl.A.No.939 of 2025 : Criminal Revision Case filed
under Section 397 r/w 401 of Cr.P.C/ Section 438 r/w 442 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 27.06.2024
passed in Crl.M.P.Nos. 123 of 2024 in M.C.No.172/2017 by the Hon'ble
Principal Family Court at Chennai.

PRAYER in Crl.A.No.940 of 2025 : Criminal Revision Case filed
under Section 397 r/w 401 of Cr.P.C/Section 438 r/w 442 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order dated 27.06.2024
passed in Crl.M.P.Nos. 35 of 2024 in M.C.No.172/2017 by the Hon'ble
Principal Family Court at Chennai.

For Petitioner
(in all Crl.RCs) : Mr.J.Nandagopal



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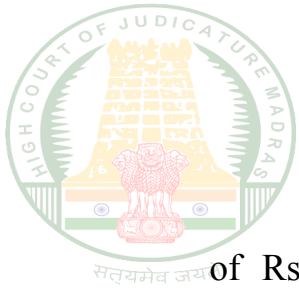
For Respondents
(in all Crl.RCs) : Mr.A.Jayachandran

COMMON ORDER

The Criminal Revision Case.No.940 of 2025 has been filed as against the order dated 27.06.2024 passed in Crl.M.P.No.35 of 2024 in M.C.No.172/2017 on the file of the Principal Family Court, Chennai thereby modifying the maintenance award dated 15.02.2019.

2. The Criminal Revision Case.Nos. 939 & 936 of 2025 and Criminal Revision Case.No.2294 of 2024 have been filed as against the orders passed in Crl.M.P.Nos.123, 124 & 125 of 2025 on the file of the Principal Family Court, Chennai thereby awarding arrears of maintenance.

3. The petitioner is the husband of the first respondent. After their marriage, they gave birth to the second respondent. Due to misunderstanding between the petitioner and the respondents, they got separated and are living separately. Therefore, the first respondent filed maintenance case in M.C.No.172/2017. It was ordered in favour of the respondents and the petitioner was directed to pay monthly maintenance



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of Rs.40,000/- each to the respondents herein from the date of the petition. It was challenged by the petitioner and the same was dismissed confirming the order of maintenance passed by the trial court. Thereafter, the petitioner filed a petition in M.P.No.35 of 2024 seeking to modify the order dated 15.02.2019 in M.C.No.172 of 2017 on the ground that the first respondent is also employed from 27.10.2014 and is drawing a net salary of Rs.79,148/- per month by producing the salary slip for the month of May 2024. The trial court considering the said fact and modified the order holding that the first respondent is not entitled for maintenance from the month of December 2022. However, she is entitled for maintenance till November 2022 and the trial court has directed the petitioner to pay arrears of maintenance till the said period. The respondents also filed miscellaneous applications in Crl.M.P.Nos.123, 124 & 125 of 2025 in M.C.No.172 of 2017 claiming arrears of maintenance for certain periods. All the said applications were allowed. Aggrieved by the same, the above revision petitions have been filed by the petitioner herein.

4. The learned counsel appearing for the petitioner would submit that though the trial court concluded that the first respondent is employed and is drawing a salary to the tune of Rs.79,148/- as net salary from

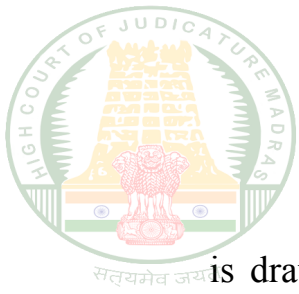


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27.10.2014, the trial court ordered maintenance till November 2022 in favour of the first respondent. When she suppressed the very fact that she is working and drawing salary and approached the trial court with unclean hands, she is not entitled for any relief. Further, the trial court failed to consider the earnings of the first respondent while ordering maintenance in favour of the second respondent. Therefore, it may be reduced to Rs.20,000/-. In support of his contentions, the learned counsel relied upon the Judgement passed by the Honourable Supreme Court reported in *(2010) 14 SCC 38* in case of ***Ramjas Foundation and Another Vs. Union of India and Others.***

5. Per contra, learned counsel for the respondents would submit that even till today, the petitioner failed to produce his salary slip to disprove his salary and is hiding that he is employed in UK and receiving a salary of £10000 per month. Further, he filed an application for modification of the maintenance order in the year 2024. He categorically admitted that the first respondent very often quits her job and she was working on loss of payment. Therefore, the trial court rightly awarded maintenance till November 2022 in favour of the first respondent. Insofar as the second respondent is concerned, the petitioner



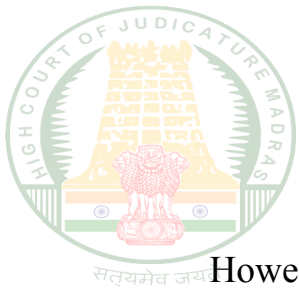
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is drawing more than £10000 in UK and as such he is duty bound to maintain his child. Therefore, the trial court rightly awarded a sum of Rs.40,000/- as maintenance payable by the petitioner and other applications were duly allowed in respect of arrears of maintenance for different periods.

6. Heard the learned counsel appearing on either side and perused the materials on record.

7. The order passed in M.C.No.172 of 2017 by the trial court was confirmed by this Court. In the meantime, the petitioner also filed a petition for divorce and the same was also dismissed and the restitution of conjugal rights petition filed by the first respondent was allowed. Aggrieved by the same, the appeals were filed and the same were also dismissed by this Court. Once again the petitioner filed a petition to modify the maintenance amount by producing the salary slip which shows that the first respondent is working as Junior Executive, HR from 27.10.2014 and she is drawing salary of Rs.87,001/- and after deduction she is receiving net salary of Rs.79, 148/-. Therefore, the trial court held that the respondent is not entitled for maintenance from December 2022.



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However, the trial court failed to justify that why the first respondent is entitled for maintenance till November 2022. The respondents filed a maintenance petition only in the year 2017. Therefore, the first petitioner did not approach the court with clean hands.

8. In this regard, learned counsel for the petitioner relied upon the Judgement passed by the Honourable Supreme Court of India in case of ***Ramjas Foundation and Another Vs. Union of India and Others*** reported in ***(2010) 14 SCC 38*** wherein, it is held as under:-

“21. The principle that a person who does not come to the court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitioners filed under Articles 32, 226 & 136 of the Constitution but also to the cases instituted in other courts and judicial forums. The object underlying the principle is that every court is not only entitled but is duty bound to protect itself from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts which have a bearing on adjudication of the issue(s) arising in the case.

27. On appeal, Lord Cozens-Hardy, M.R. And Warrington, L.J. Approved the view taken by the Divisional Court, Scrutton, L.J. Who agreed that the appeal should be dismissed observed : (Kensington case, KB p.514)

“ ...it has been for many years the rule of the court, and one which it is of the greatest



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importance to maintain, that when an applicant comes to the court to obtain relief on an ex-parte statement he should make a full and fair disclosure of all the material facts-facts, not law. He must not misstate the law if he can help it -the court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts, and the penalty by which the court enforces that obligations that if it finds out that the facts have not been fully and fairly stated to it, the court will set aside any action which it has taken on the faith of the imperfect statement

29. *In the last mentioned judgment, the Court lamented on the increase in the number of cases in which the parties have tried to misuse the process of the court by making false an/or misleading statements or by suppressing the relevant facts or by trying to mislead the court in passing order in their favour and observed : (Dalip Singh case, SCC pp.116-17, paras 1-2)*

“1.For many centuries Indian Society cherished two basis values of life i.e. 'Satya (truth) and 'ahimsa' (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect



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for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigant, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pllute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final

(emphasis supplied)

9. The learned counsel for the petitioner also relied upon the Judgment in case of ***S.P.Chengalvaraya Naidu (DEAD) by LRS. Vs. Jagannath (DEAD) by LRS and others*** reported in ***(1994) 1 SCC 1***, wherein, the Honourable Supreme Court has held as under :-

“5. The High Court, in our view, fell into patent error. The short question before the High Court was whether in the facts and circumstances of this case, Jagannath obtaine the preliminary decree by playing fraud on the court. The High Court, however, went haywire and made observations which are wholly perverse. We do not agree with the High Court that “there is no legal duty cast upon the plaintiff to come to court with a true case and prove it by true evidence”. The principle of “finality of litigation” cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan-



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dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal gains indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the court. He can be summarily thrown at any stage of the litigation.

6. The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Ex.B-15) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property in his own behalf and not on behalf of Chunilal Sowkar. Non-production and even non-mentioning of the release deed at the trial is tantamount to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily produced certified registered copy of Ex.B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party."



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10. Thus, it is clear that when the first respondent had approached this Court with unclean hands, she is not entitled for any relief. On the date of filing the maintenance petition, the first respondent was very much in employment as Junior Executive, HR and she is drawing a reasonable salary. The said fact was suppressed by the first respondent and filed a maintenance case against the petitioner as if she was not in any employment and as if she could not maintain herself and the minor child. Therefore, the first respondent is not entitled for any maintenance.

11. Insofar as the maintenance award passed by the trial court in favour of the second respondent is concerned, admittedly, the petitioner did not produce any salary slip. Further, he is working in abroad in Tata Consultancy Services as freelancer in Engineering/Communication and receiving a very good salary. Therefore, he is duty bound to maintain his minor child. In fact, though the first respondent is ready to hand over the custody of the second respondent, the petitioner is not willing to take the custody of the second respondent. Therefore, the trial court rightly awarded a sum of Rs.40,000/- in favour of the second respondent herein.

12. In view of the above discussions, the order passed in



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Crl.M.P.No.35 of 2024 is hereby modified and the Crl.R.C.No.940 of 2025 is partly allowed. Accordingly, the petitioner shall pay the maintenance amount of Rs.40,000/- per month in favour of the second respondent. Insofar as the maintenance awarded in favour of the first respondent stands dismissed. However, the maintenance awarded in favour of the second respondent is confirmed.

13. In view of the order passed in Crl.R.C.No.940 of 2025, Crl.R.C.No.2294 of 2024 & Crl.R.C.Nos.936 & 939 of 2025 are partly allowed and the order passed by the trial court in Crl.M.P.Nos.123, 124 & 125 are hereby modified. The petitioner shall pay 50% of the arrears of maintenance as awarded by the trial court in favour of the second respondent alone. Consequently, the connected Miscellaneous Petitions are closed.

15.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To
The Principal Family Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Nhs

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