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Crl.RC.No.2175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.2175 of 2024

and

Crl.M.P.No.17119 of 2024

Khan Malukar

... Petitioner

Vs.

1. Jannathul Firdouse

2. Minor K.Mohamed Muhasen

Rep. by his mother and natural guardian

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C./438 read with 442 B.N.S.S. to set aside the order dated 23.08.2024 made in M.P.No.217 of 2024 in M.C. No.109 of 2020 on the file of IV Additional Principal Family Court, Chennai.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.J.Titus Enock



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 23.08.2024 made in M.P.No.217 of 2024 in M.C. No.109 of 2020 on the file of IV Additional Principal Family Court, Chennai.

2. The respondents are the wife and son of the petitioner herein. The first respondent along with the second respondent/minor son filed a maintenance case against the petitioner in M.C. No.109 of 2020 before the IV Additional Principal Family Court, Chennai and after enquiry, the learned Judge, by order dated 11.12.2023 directed the petitioner/husband to pay a sum of Rs.20,000/- each to the wife and minor son. Feeling aggrieved by the same, the petitioner/husband filed a revision before this Court in Crl.RC.No.431 of 2024 and this Court by order dated 19.06.2024, reduced the maintenance amount from Rs.20,000/- to Rs.15,000/- to each to the respondents and also directed the petitioner/husband to pay the entire arrears amount at the rate of Rs.15,000/- from the date of filing of the maintenance case till the date of



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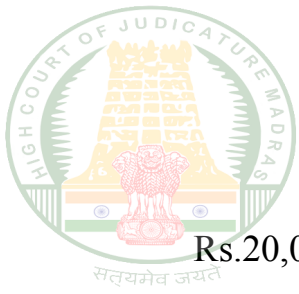
deposit after deducting the amount if any already deposited, within a period of

four weeks from the date of receipt of a copy of the order and further directed him to pay the educational expenses of the minor child for every year on receipt of the particulars relating the educational expenses incurred by the wife.

Thereafter, since the petitioner/husband had not complied with the order of this Court passed in Crl.RC.No.431 of 2024 dated 19.06.2024, the respondents moved before the learned Judge, Family Court in M.P.No.217 of 2024 for execution. The Judge, Family Court after hearing the petition under Section 128 Cr.P.C., passed the impugned order 23.08.2024 directing the petitioner/husband to pay the arrears of maintenance of Rs.14,20,000/- and the educational expenses of the minor child for the academic year on or before 30.09.2024 failing which, to issue non bailable warrant. Aggrieved by the same, the petitioner/husband is before this Court.

3. Heard and perused the materials available on record.

4. Admittedly, the Family Court originally ordered maintenance of



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Rs.20,000/- per month to each of the respondents herein. Challenging the

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same, the petitioner/husband filed a revision before this Court and this Court, modified the quantum of maintenance from Rs.20,000/- into Rs.15,000/- and directed the petitioner/husband to pay the entire arrears amount at the rate of Rs.15,000/- from the date of filing of the maintenance case till the date of deposit within a period of four weeks from the date of receipt of a copy of the order and further directed him to pay the educational expenses of the minor child for every year. But as on the date of impugned order i.e. 23.08.2024, there was an arrear of Rs.14,20,000/- and therefore, the Family Court passed the impugned order directing the petitioner/husband to pay the said arrears and the educational expenses of the minor child for the academic year on or before 30.09.2024. Though the learned counsel for the petitioner/husband submitted that the petitioner paid some arrears amount, he is not able to produce any document to show the same.

5. The learned counsel for the respondents submitted that the petitioner



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has so far paid a sum of Rs.1,87,374/- only towards arrears. Despite the same, the petitioner is not able to produced any document to prove otherwise.

6. Since there is arrears of maintenance and the petitioner has not produced any receipt/acknowledgement for payment of arrears or complying with the order of this Court dated 19.06.2024 in Crl.RC.No.431 of 2024, this Court finds no merits in this revision.

7. Therefore, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

8. The Judge, Family Court is directed to proceed with the order dated 23.08.2024.

01.04.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The IV Additional Principal Family Court, Chennai.



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P.VELMURUGAN. J.

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