



Crl.R.C.No.534 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 534 of 2025

and

Crl.M.P.No. 7525 of 2025

Saminathan

... Petitioner

..VS..

1. S.Venkatammal

2. S.Samundeeswari

... Respondents

Criminal Revision Case filed under Sections 438 read with 442 BNSS, 2023, to call for the records pertaining to the order dated 06.03.2024 made in M.C.No.03 of 2023 on the file of the Judge, Family Court, Krishnagiri and set aside the same.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.Vengadesh Durai Raja V.K.

ORDER

The Criminal Revision Case is preferred against the order dated 06.03.2024 passed in M.C.No.03 of 2023 by the Judge, Family Court, Krishnagiri.

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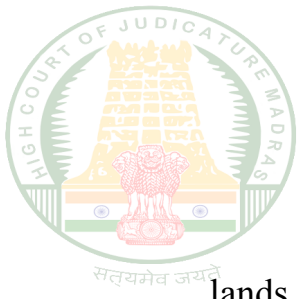


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2. The petitioner is husband, the first respondent is wife and the second respondent is their daughter. The respondents – wife and daughter filed maintenance case invoking Section 125 Cr.P.C. in M.C.No.03 of 2023 before the Judge, Family Court, Krishnagiri, seeking maintenance of Rs.15,000/- to the first respondent-wife and Rs.10,000/- to the second respondent-daughter. The learned Judge, after due enquiry, *vide* order dated 06.03.2024 partly allowed the case and directed the petitioner-husband to pay a sum of Rs.6,000/- per month to the first petitioner-wife and a sum of Rs.5,000/- per month to the second respondent-daughter till her marriage, apart from that Rs.8,000/- was ordered as litigation costs to the respondents. Challenging the said order, the present revision petition has been filed by the petitioner-husband.

3. Learned counsel for the petitioner submitted that during the year 2000 a panchayat was convened and that the first respondent-wife expressed that she would not live with the petitioner-husband and according to the advise of the panchayatars, there was a settlement arrived at between the petitioner and the respondents. As per the said settlement, the petitioner settled 1 acre out of 2.79 acres of agricultural



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lands in favour of the respondents and also a share of the house property also given to the respondents and the respondents have also agreed for the said settlement. He further submitted that the respondents are living in a better atmosphere and out of the said properties the first respondent is deriving income and maintaining the family. Therefore, the respondents are not entitled to get maintenance from the petitioner. He further submitted that in the presence of elders, the petitioner married one Pounammal and that the marriage with the first respondent was dissolved according to his customs. However, the learned Judge failed to consider all those facts passed the order of maintenance, which warrants interference by this Court.

4. Learned counsel appearing for the respondents submitted that during the subsistence of first marriage, the petitioner had developed illicit relationship with one Pounanmmal and had married her against law and out of their wedlock one male child was born. Thereafter, the petitioner never continued the marital relationship with the first respondent-wife. Subsequently, with the help of some persons in the village, the petitioner had forcibly obtained signatures from the first



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respondent in the settlement agreement. Therefore, the compromise arrived between the parties is a invalid compromise. Now the respondents are striving for their livelihood and that they have filed maintenance case. The learned Judge, after enquiry, awarded maintenance amount as stated above. Therefore, there is no merit in the revision petition and the same may be dismissed.

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

6. On a perusal of the records, particularly, Ex.R1 – Panchayat Muchalikka, dated 25.08.2000, it is seen that when the first marriage was in subsistence, the petitioner married to one Pounammal and had begotten a male child and the same was admitted by the petitioner. Subsequently, with the help of the Police and some persons in the Village, the petitioner obtained signatures in Ex.R1. Therefore, the settlement arrived at between the petitioner and respondents is not a valid one. Further, the petitioner has not produced any oral and documentary evidence to prove that the respondents are having sufficient means to maintain themselves, in the absence of the same, the petitioner-husband is duty bound to



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maintain his spouse and daughter.

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7. Considering the facts and circumstances of the case and also considering the economic status of both the parties and also taking into account the cost of living, this Court does not find any reason to interfere with the impugned order dated 06.03.2024 passed in M.C.No.03 of 2023 on the file of the Judge, Family Court, Krishnagiri and hence, this revision petition is liable to be dismissed. Accordingly, the Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms



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To
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The Judge,
Family Court,
Krishnagiri.



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P.VELMURUGAN, J.

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