



Crl.RC.No.541 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.541 of 2025 and

Crl.M.P.No.7947 of 2025

S.Chandrasekaran

... Petitioner

Vs.

Vinodhini Priya

... Respondent

Prayer: Criminal Revision Case filed under Section 438 and 442 of Bhartiya Nagrik Suraksha Sanhita, 2023 to set aside the order of the Family Court, Krishnagiri dated 12.06.2024 in M.C.No.87 of 2019.

For Petitioner	: Mr.V.Nicholas
For Respondent	: Mr.K.Sathish



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ORDER

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This Criminal Revision Petition has been filed by the petitioner to set aside the order of the Family Court, Krishnagiri dated 12.06.2024 in M.C.No.87 of 2019.

2. The brief facts of the case is that the petitioner and the respondent are husband and wife. The respondent filed a maintenance case against the petitioner invoking Section 125 Cr.P.C. in M.C.No.87 of 2019 before the Family Court, Krishnagiri seeking monthly maintenance of Rs.1 lakh. The said petition was partly allowed directing the petitioner/husband to pay a sum of Rs.15,000/- per month to the petitioner, besides a sum of Rs.10,000/- was ordered towards litigation expenses. Aggrieved by the order of maintenance, the husband has filed the present revision.

3. The learned counsel for the petitioner submitted that pending maintenance case, there was a settlement arrived between the parties and based on that, the petitioner paid a sum of Rs.2 lakhs to the respondent, but the same



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was not considered by the trial Court. He further submitted that the respondent

only voluntarily left the matrimonial home and therefore, the petitioner filed a petition for restitution of conjugal right and the same was dismissed. Therefore, the respondent is not entitled to any maintenance.

4. The learned counsel for the respondent submitted that the petitioner is running a petrol bunk and he is a man of means, whereas the respondent is unable to maintain herself. Therefore, she filed the maintenance case. Already, the petition filed by the petitioner for restitution of conjugal right was dismissed. The Hon'ble Supreme Court in the case of ***Rina Kumari @ Rina Devi @ Reena Vs. Dinesh Kumar Mahto @ Dinesh Kumar Mahato reported in 2025 INSC 55*** has held that mere a decree for restitution of conjugal rights secured by a husband coupled with non-compliance therewith by the wife would not be determinative straightaway either of her right to maintenance or the applicability of the disqualification under Section 125(4) Cr.P.C. Therefore, respondent is entitled for maintenance. He further submitted that though



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settlement was arrived between the parties for a sum of Rs.22 lakhs, the petitioner paid only Rs.2 lakhs and failed to keep up his promise and has not paid the balance amount.

5. Heard and perused the materials available on record.

6. A perusal of the materials shows that the relationship of the parties is not in dispute. They both are living separately and the same is also not in dispute. Though the restitution petition filed by the petitioner was dismissed and settlement was arrived between the parties, that was not implemented. Further, the Hon'ble Supreme Court has held that mere decree of restitution of conjugal rights obtained by a husband will not disqualify a wife from claiming maintenance.

7. It is further seen that the petitioner/husband is running a petrol bunk and he is a man of means. The maintenance petition filed by the respondent shows that she is unable to maintain herself, whereas the petitioner has not established that the respondent/wife is a woman of means and she is able to



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maintain herself.

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8. Since the petitioner has not established any disqualification for getting maintenance by the respondent under Section 125 (4) (5) Cr.P.C., the respondent is entitled for maintenance. Further, while considering the price index and the cost of living prevailing as on date and the economical status of the petitioner, this Court does not find any perversity in the order of maintenance passed by the Judge, Family Court and there is no compelled reason to interfere with the same. Therefore, there is no merits in this revision.

9. Accordingly, this Criminal Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

10. The petitioner is directed to deposit the arrears of maintenance if any, within a period of two months from the date of receipt of a copy of this order and also continue to pay the monthly maintenance on or before 5th of every English Calendar Month failing to pay the arrears of maintenance as stated above, the Judge Family Court is directed to take warrant proceedings and



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execute the same and also make sure that the respondent/wife is receiving the maintenance amount.

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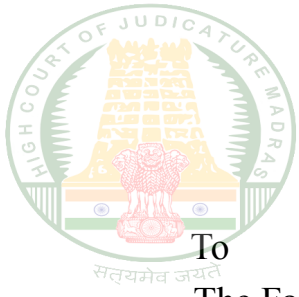
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The Family Court,
Krishnagiri



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P.VELMURUGAN. J.

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