



CRL.R.C.(MD)No.307 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.307 of 2024
and
CRL.M.P.(MD)No.3461 of 2024

Thangapandian

... Petitioner

vs.

Usha

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order, dated 23.09.2022 in M.C.No.04 of 2021 on the file of the District Munsif cum Judicial Magistrate, Senkottai and to set aside the same as illegal.

For Petitioner :Mr.S.Sundara Pandian
For Respondent :Mr.K.Esakkidurai

ORDER

Heard Mr.S.Sundara Pandian, learned Counsel for the petitioner
and Mr.K.Esakkidurai, learned Counsel for the respondent.



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2.This Criminal Revision Petition has been filed by the petitioner against the impugned judgement and order, dated 23.09.2022, passed by learned District Munsif cum Judicial Magistrate, Senkottai, in M.C.No.4 of 2021 by which the respondent/wife was awarded Rs.8,000/-per month, as maintenance.

3.Mr.S.Sundara Pandian, learned Counsel appearing for the petitioner submits that the petitioner and the respondent are husband and wife. The marriage between the petitioner and the respondent was solemnized on 11.11.2016. Due to difference of opinion, they are living separately and the respondent has filed a petition in M.C.No.4 of 2021 under Section 125 of Cr.P.C before the District Munsif cum Judicial Magistrate Court, Senkottai, seeking maintenance and the learned District Munsif cum Judicial Magistrate, Senkottai, vide judgment and order, dated 23.09.2022, awarded Rs.8,000/- per month as maintenance to the respondent.



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4.The learned Counsel for the petitioner further submits that the petitioner is receiving only a meager salary and is, therefore, unable to pay a sum of Rs.8,000/- per month towards maintenance to the respondent. He further submits that the learned District Munsif cum Judicial Magistrate, Senkottai, failed to consider that the respondent/wife is residing separately from the petitioner without any just or reasonable cause, and as such, she is not entitled to claim maintenance from the petitioner. It is also submitted that the petitioner is willing to resume cohabitation. However, the learned District Munsif cum Judicial Magistrate, Senkottai, after recording the statements of the contesting parties, without properly appreciating the facts and evidence available on record, ordered the application filed by the respondent and awarded a sum of Rs.8,000/- per month as maintenance to the respondent. Thus, he prays this Court to set aside the impugned judgment and order dated 23.09.2022 passed by the learned learned District Munsif cum Judicial Magistrate, Senkottai, in M.C. No.4 of 2021.

5.Per contra, Mr.K.Esaskki Durai, learned Counsel for the respondent submits that the Family Court has passed the impugned order



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after duly considering the facts and circumstances of the case, as well as the statements of both the petitioner and the respondent. It is contended that, in such circumstances, and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

6.I have considered the submissions of the learned Counsel for the parties and also perused the record.

7.The learned Counsel for the petitioner has not been able to point out any such illegality or impropriety or incorrectness in the impugned order which may persuade this Court to interfere in the same. The amount fixed for maintenance was Rs.8,000/- for the respondent, which, in the present days of rising prices and high cost of living, cannot be considered excessive or disproportionate. The provisions of [Section 125](#) of Cr.P.C are beneficial provisions, which are enacted to stop the



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vagrancy of a destitute wife and provide some succour to them, who are entitled to get the maintenance which cannot be denied.

8.In such circumstances to meet the ends of justice, the impugned order does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of Court's process.

9.In view of the above, the Criminal Revision Petition lacks merit and stands **dismissed**. Consequently, connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

10.09.2025

cmr

To

The District Munsif cum Judicial Magistrate, Senkottai.

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SHAMIM AHMED, J.

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