



Crl.O.P.(MD)No.2516 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2516 of 2024
and
Crl.M.P(MD) No.1923 of 2024

Arunachalam

... Petitioner

Vs.

Kaliyammal

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the order, dated 06.08.2022 in Criminal Revision Case No.06 of 2020 on the file of the learned Principal Sessions Judge, Trichy in M.C.No.17 of 2016, dated 10.12.2019 on the file of the learned Judicial Magistrate, Thuraiyur and set aside the same as illegal.

For Petitioner : Mr.R.Alagumani

For Respondent : No representation

ORDER

Challenging the order passed by the Principal Sessions Judge, Trichy, in Criminal Revision Case No.06 of 2020, dated 06.08.2022, the present Criminal Original Petition has been filed.



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2. A Criminal Revision Petition in Crl.R.C.No.06 of 2020 was filed by the petitioner seeking to set aside the order passed by the learned Judicial Magistrate, Thuraiyur, in M.C.No.17 of 2016, dated 10.12.2019. The said revision came to be dismissed by the learned Sessions Judge, thereby confirming the order of maintenance. The maintenance amount directed to be paid every month to the respondent is Rs.8,000/-.

3. When the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner is a senior citizen and an ailing cancer patient, having no independent means of income. It was further submitted that the maintenance amount came to be granted only based on an admission made by the petitioner during cross-examination that he possessed 18½ acres of agricultural land. However, the learned trial Court failed to consider that the said admission pertained to an earlier point of time and that the lands had subsequently been transferred in favour of his son, daughter, and granddaughter, and that the petitioner is presently not in possession of any land.

4. However, this Court is of the considered view that it is not the case of the petitioner that the lands were settled exclusively in favour of his children and grandchildren without retaining any means for himself. Even assuming that



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the petitioner is a senior citizen and an ailing cancer patient, it remains his primordial duty to maintain his wife. It is also seen that the petitioner has purchased 10 acres of land in the name of his wife.

5. However, liberty is granted to the petitioner to approach the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, as against his son and daughter, if he is facing financial constraints in complying with the maintenance order passed by the trial Court.

6. Hence, this Court is not inclined to entertain this Criminal Original Petition and accordingly, the same is dismissed. Consequently, the connected Miscellaneous Petition is closed.

08.12.2025

Indu

To
The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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