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*Crl.R.C.(MD) No.161 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.161 of 2025  
and  
Crl.M.P.(MD)No.1615 of 2025

M.Jeyaraman : Petitioner/ Respondent

Vs.

Packiam @ Packialakshmi : Respondent/Petitioner

**Prayer :** This Criminal Revision has been filed under Section 438 r/w 442 of BNSS, to call for entire records relating to the order made in M.C. No.46 of 2019, dated 30.09.2024 on the file of the Family Court, Madurai and set aside the same.

For Petitioner : Mr.S.Rajendran

For Respondent : Ms.M.Kamalini

### **ORDER**

This Criminal Revision is directed against the order passed in M.C.No.46 of 2019 dated 30.09.2024 on the file of the Family Court, Madurai, granting maintenance.



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2. It is evident from the records that the marriage between the parties was solemnized on 16.09.2024. It is not in dispute that the petitioner filed a petition in H.M.O.P.No.958 of 2016, seeking divorce and the respondent/petitioner filed an application under Section 125 Cr.P.C. seeking maintenance against the petitioner/respondent.

3. During trial in maintenance case, the respondent/petitioner examined herself as P.W.1 and exhibited 4 documents as Ex.P.1 to Ex.P.4. The respondent examined himself as R.W.1 and adduced no documentary evidence.

4. The learned Judge of Family Court, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the common order, dated 30.09.2024, granting divorce and directed the petitioner to pay monthly maintenance at Rs.5,000/- (Rupees Five Thousand only) to the respondent. Aggrieved by the said order, the husband has come forward with the present revision.



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5.At the time of admitting the revision, this Court in Crl.MP(MD)No.1615 of 2020, which was filed for interim stay, taking note of the petitioner's undertaking to deposit some portion of the arrears of maintenance, has directed the petitioner to deposit 60% of the arrears amount on or before 06.03.2025 and continue to pay Rs.4,000/- to the respondent as monthly maintenance till the disposal of the Criminal Revision and adjourned the matter on 07.03.2025 for reporting compliance.

6. When the matter was taken up for hearing today (ie.,07.03.2025), at the request of the learned counsel appearing for the petitioner, the case was adjourned to 24.03.2025 and again the petitioner's counsel sought time and hence, the matter was adjourned to 03.04.2025.

7.When the matter is taken up for hearing today, (ie.,03.04.2025), the learned counsel appearing for the petitioner would submit that the petitioner has not complied with the order of this Court, but sought for further time, without any valid reason or ground.



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8. In similar matter, this Court in Permalsamy Vs. Krishnaveni and other (Crl.R.C.(MD)No.307 of 2020 dated 03.04.2023) had dealt with the above aspects and the relevant passages are extracted hereunder:-

*“14. At this juncture, it is necessary to refer the order of the Hon'ble Supreme Court in **Kiran Tomar and others Vs. State of Uttar Pradesh and another**, reported in **2022 SCC OnLine SC 1539**, wherein, the order of the High Court setting aside the judgment of the Family Court was challenged and the Hon'ble Supreme Court, while setting aside the order the High Court, has passed an order directing the second respondent husband to comply with the interim order already passed by the Family Court on or before 31.12.2022 to pay the entire arrears of maintenance payable to the appellants and on compliance of the above condition, the impugned order of the High Court was ordered to be set aside and the Criminal Revision was ordered to be restored, but on the other hand, in the event that the second respondent husband fails to comply with the above direction for the payment of arrears of maintenance by 31.12.2022, the Criminal Revision instituted by the second respondent shall stand dismissed.*



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15. *As rightly contended by the learned counsel appearing for the respondents, considering the above, it is clearly evident that the Court can very well pass conditional order for the payment of maintenance arrears.*

16. *Moreover, the Hon'ble Supreme Court in **Rajnish Vs. Neha and another** reported in (2021) 2 SCC 324, while giving guidelines for the fixation of maintenance amounts, has specifically held that striking off the defence of the respondent is an order which ought to be passed in the last resort, if the Courts find default to be wilful and contumacious, particularly to a dependant unemployed wife, and minor children.*

17. *It is pertinent to note that the Hon'ble Supreme Court has pointed out that it is the sacrosanct duty of the husband to provide financial support to his wife and to the minor children.*

18. *The Hon'ble Supreme Court has settled the position of law that Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. In **Chaturbhuj Vs. Sita Bai** reported in (2008) 2 SCC 316, the Hon'ble Supreme Court has specifically observed that object of the maintenance is to prevent vagrancy and destitution of the deserted wife by providing her food, clothing and shelter through a speedy remedy.*



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*19. It is pertinent to note that right to get maintenance is not only a constitutional rights, but can be considered as an element of universal human rights. The very purpose of ordering maintenance is to prevent vagrancy as a result of strained relationships and to guarantee that the poor litigating spouse is not crippled as a result of a lack of funds to defend or prosecute the case.”*

9. The legal position above referred is squarely applicable to the case on hand. In the case on hand also, the petitioner, without complying with any order of this Court, has absolutely no right or *locus standi* to advance the arguments or to proceed with the main revision case.

10.As already pointed out, though this Court has directed the petitioner to deposit the 60% of arrears amount on or before 06.03.2025, the petitioner has not even attempted to comply with the said order.

11. Considering the above, this Court is of the clear view that the petitioner is not entitled to proceed further. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.



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12. In the result, this Criminal Revision case is dismissed.

Consequently, connected Miscellaneous Petition is closed.

**03.04.2025**

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

To

The Judge, Family Court, Madurai.



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**K.MURALI SHANKAR, J.**

das

**ORDER MADE IN**  
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and  
Crl.M.P.(MD)No.1615 of 2025

03.04.2025