

Crl.R.C.(MD)No.400 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.400 of 2025

and

Crl.M.P(MD)No.4125 of 2025

S.Mohamed Mohideen

... Petitioner/Respondent

Vs.

1.Ayisha Meerak

2.Minor.Hasan Sharuk

... Respondents/Petitioners

(R2 represented by mother & guardian R1)

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records relating to the impugned order dated 12.02.2025 made in M.C.No.11 of 2024 on the file of Judicial Magistrate, Uthamapalayam, set aside the same.

For Petitioner : Mr.K.Appadurai

For Respondent : M/s.T.Seeni Syed Amma
for M/s.Roy & Roy Associates



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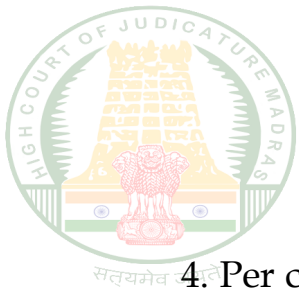
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ORDER

Challenging the order passed by the Judicial Magistrate, Uthamapalayam in M.C.No.11 of 2024, dated 12.02.2025, this criminal revision case has been filed.

2. The petitioner is the husband and the respondents are his wife and minor child. The marriage between the petitioner and the 1st respondent was held on 16.09.2021. Due to certain indifferences, they are living separately and the 1st respondent has filed a petition under Section 125 of Cr.P.C before the learned Judicial Magistrate, Uthamapalayam seeking maintenance. The learned Trial Court was pleased to pass an order of maintenance directing the petitioner to pay a monthly maintenance of Rs.10,000/- together for wife and child. The said order was passed in consultation with the petitioner herein and at his consent. The petitioner had already paid 75% of the arrears of maintenance by depositing the same to the credit of M.C.No.11 of 2024 on the file of Judicial Magistrate, Uthamapalayam and the 1st respondent has already filed an application to withdraw the same and the same is pending before the Trial Court.

3. The learned counsel for the petitioner submitted that at no point of time, the petitioner had agreed to pay a monthly maintenance of Rs.10,000/-.



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4. Per contra, the learned counsel for the respondents pointed out that such an agreement has been arrived at between the respective parties and the same has been recorded by the learned Trial Court in Paragraph No.7 of the impugned judgment and she further insisted that Rs.10,000/- is a paltry sum of amount, with which the lives of the respondents cannot be met with and sought for enhancement of maintenance.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and carefully perused the materials available on record.

"6. Though the learned counsel for the petitioner insisted that the petitioner is unemployed, considering the fact that he is a Mechanical Engineer who had been earlier employed at Abroad and now involved in undertaking a money lending business in terms of the submission made by the learned counsel for the respondents herein before the Trial Court, I am of the considered view that a paltry sum of Rs.10,000/- would not be sufficient for the respondents herein to meet out their day-to-day livelihood. Though the fact that the petitioner has undertaken a money lending business is sternly refuted by the learned counsel for the petitioner, being a Mechanical Engineer, there will not be any difficulty for him to seek his own employment or take care of his livelihood. Under such circumstances, this Court is of the considered view that the order passed by the



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learned Trial Court should be modified by directing the petitioner to pay a monthly maintenance of Rs.7,500/- each to the 1st respondent and 2nd respondent, total monthly maintenance of Rs.15,000/-. The 1st respondent/wife is permitted to withdraw the amount which has been deposited in M.C.No.11 of 2024 on the file of the Judicial Magistrate, Uthmapalayam on making a suitable application."

7. In view of the above, this Criminal Revision Cases is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

24.06.2025

(*)Substituted as per order of this Court dated 26/08/2025

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

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To

(*)To be substituted to the order already despatched on 22/08/2025

1.The Judicial Magistrate,
Uthamapalayam.



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2.The Section Officer, (2C)

Criminal Section (Records),

Madurai Bench of Madras Highcourt,

Madurai.

+1 CC to M/s.K.APPADURAI, Advocate (SR-37194[F] dated 25/06/2025)

+1 CC to M/s.ROY AND ROY ASSOCIATES, Advocate (SR-37566[F] dated 26/06/2025)

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Dated: 24.06.2025

SB/19.08.2025 5P/6C

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JJ/08.09.2025 5P/6 C

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