



Crl.R.C.(MD)No.360 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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K.Vijayaraman

... Petitioner

Vs.

1.Akilandeswari

2.Minor. Tulasi

(represented through her mother next friend)

... Respondents

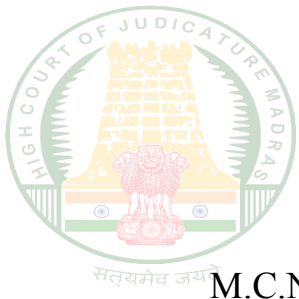
PRAYER : Criminal Revision Case filed under Section 397 & 401 Cr.P.C., to call for the records relating to the impugned order passed in M.C.No.68 of 2017 on the file of the Family Court, Tirunelveli dated 28.02.2019, set aside the same and allow this revision petition.

For Petitioner : Mr.Lakshmi Gopinathan

For Respondents : Mr.VSV.Venkateswaran

ORDER

This Criminal Revision is directed against the order passed in



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M.C.No.68 of 2017 dated 28.02.2019 on the file of the Family Court, Tirunelveli, directing the petitioner to pay monthly maintenance of Rs.5,000/- each to the respondents.

2. Admittedly, the marriage between the petitioner and the first respondent was solemnized on 01.02.2009 and due to their wedlock, they were blessed with a daughter/second respondent herein. Subsequently, the petitioner had harassed the first respondent and due to which, they are living separately.

3. The first respondent for herself and on behalf of her minor daughter has filed a petition under Section 125 Cr.P.C. claiming maintenance. The learned Judge of Family Court, Tirunelveli, after conducting enquiry, has passed the impugned order dated 28.02.2019 directing the petitioner to pay monthly maintenance of Rs.5,000/- each to the respondents from the date of petition and also directed to pay the arrears amount within a period of one month from the date of that order. Aggrieved by the said impugned order, the present revision came to be filed.



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4. It is evident from the records that when the matter was taken up on 04.03.2025, considering the fact that the revision is pending from 2019 onwards and also taking note of the submission made by the learned counsel appearing for the respondents that there is still arrears to the tune of Rs.6 lakhs and also taking note of the submission made by the learned counsel appearing for the petitioner that they are ready to deposit some amount as directed by this Court, this Court directed the petitioner to deposit 50% of the arrears amount pending as of now i.e., Rs.3 lakhs before the trial Court, on or before 04.04.2025 and posted the matter on 07.04.2025 for reporting compliance and when the matter was taken up on 07.04.2025, the learned counsel appearing for the petitioner submitted that the petitioner has not complied with the direction of this Court and hence, this Court posted the matter on 22.04.2025 for orders.

5. When the matter is taken up today (22.04.2025), the learned counsel appearing for the petitioner would submit that the petitioner has not complied with the direction of this Court. He would further submit that earlier the petitioner has made some payments. But according to the respondents, there is arrears to the tune of Rs.6,00,000/-.



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6. It is pertinent to note that maintenance case came to be filed in 2017 and the impugned order came to be passed on 28.02.2019.

7. 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*



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by 31.12.2022, the Criminal Revision instituted by the second respondent shall stand dismissed.

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 **Rajnesh 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



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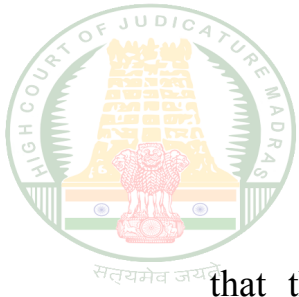
her food, clothing and shelter through a speedy remedy.

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.”

8. 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.

9. As already pointed out, though this Court has directed the petitioner to deposit the 50% of the arrears amount on 04.04.2025, despite granting time, the petitioner has not even attempted to comply with the said order.

10. Considering the above, this Court is of the clear view that the petitioner is not entitled to proceed further. Hence, this Court concludes



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that the revision is devoid of merits and the same is liable to be dismissed.

11. In the result, this Criminal Revision case stands dismissed. No costs.

22.04.2025

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

To
1.The Judge,
Family Court,
Tirunelveli.



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K.MURALI SHANKAR,J.

csn

Order made in
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