

Crl.R.C.(MD)No.417 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.417 of 2024

1.Menaka

2.Nisha Sri

3.Hari Pooja Sri

... Petitioners

Vs.

Murugan

... Respondent

PRAYER : Criminal Revision Case filed under 397 r/w. 401 of Cr.P.C., to call for the records relating to the order made in M.C.No.3 of 2025 dated 15.02.2024 on the file of the learned Judicial Magistrate, Paramakudi and set aside the same.

For Petitioners

: Mr.P.R.Prithiviraj

For Respondent

: Mr.Karuppasamy Pandian

For Mr.S.Srinivasa Raghavan

ORDER

Challenging the order passed in M.C.No.3 of 2025 dated 15.02.2024 on the file of the learned Judicial Magistrate, Paramakudi, this Criminal Revision Case is filed.



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Case of the Petitioners:-

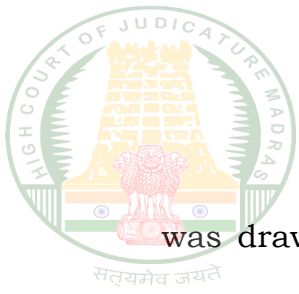
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2.The petitioners, who were the petitioners before the maintenance case, filed an application under Section 125 of Cr.P.C., seeking Rs.30,000/- as monthly maintenance from the respondent. The respondent is the husband of the first petitioner. The learned Trial Court examined the first petitioner as P.W.1 and marked Exs.P1 and P2. On the respondent's side, the respondent himself and one Murugan were examined as R.W.1 and R.W. 2 and Exs.R1 to R3 were marked. On the basis of the oral and documentary evidence adduced, the learned Trial Court came to the conclusion that the first petitioner was leading a life, in which she could manage and maintain herself, whereas the respondent was living in penury. Consequently, the learned Trial Court dismissed the maintenance petition. Aggrieved by the same, the present Criminal Revision Case has been filed.

Submissions:-

3.When the matter was taken up for hearing, the learned counsel for the petitioners submitted that the second petitioner has attained majority and is already married. The third petitioner has also attained majority, though she remains unmarried.

4.The learned counsel further submitted that the respondent was employed in a Public Limited concern, namely, NTC Mills, situated at Kamuthakudi Village and in his own chief examination, he admitted that he



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was drawing Rs.17,000/- at the time of retirement. It was also submitted that he owns considerable immovable properties and had received retirement benefits of about Rs.15,00,000/-. However, he had not been inclined to set apart any portion of the said sum even to assist in the marriage expenses of the third petitioner. It was argued that the first petitioner is finding it extremely difficult to maintain herself and to arrange the marriage of the third petitioner and hence, the Revision Case deserves to be allowed.

5.Per contra, the learned counsel for the respondent submitted that the impugned order is a well-considered one, passed after appreciating the evidence on either side. He pointed out that the learned Trial Court in paragraphs 6 to 10 of the impugned order had clearly observed that the first petitioner is the wife of the respondent, and out of their wedlock, they were blessed with three children – a son and two daughters. Among them, the second petitioner is already married, and the son has attained majority and is earning Rs.25,000/- per month, contributing towards the maintenance of his mother and sister.

6.It was further contended that the first petitioner had already filed multiple civil suits in O.S.Nos.130, 190, 104, and 815 of 2022 before the District Munsif, Paramakudi, in respect of the respondent's immovable properties, and also filed O.S.No.53 of 2022 to restrain the respondent from



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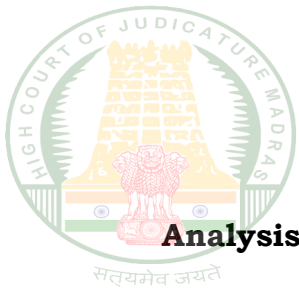
obtaining his retirement benefits. In such circumstances, the respondent has not been able to receive his retirement benefits.

7.It was also argued that the respondent, now aged 65 years, suffered a paralytic attack, is bedridden, and requires at least Rs.5,000/- per month towards his medical expenses. He has been completely neglected by his family, including the petitioners and his son and he is also struggling to defend multiple civil cases as well as a criminal case registered in Crime No. 85 of 2021. Hence, dismissal of the Revision Case was sought.

Rejoinder by Petitioners' Counsel:-

8.At this stage, the learned counsel for the petitioners submitted that the FIR in Crime No.85 of 2021 was registered against the respondent for assaulting the second petitioner, for which he was convicted and sentenced to pay a fine of Rs.1,000/-. In such circumstances, the question of the first petitioner maintaining the respondent does not arise, as even permitting him to live with them would endanger their lives. It was also pointed out that the third petitioner is suffering from certain medical ailments and the first petitioner is struggling to meet her medical expenses.

9.I have heard the learned counsel on either side and carefully perused the records.



Analysis:-

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10.It is well-settled that under Section 125 Cr.P.C., a wife, who is unable to maintain herself, is entitled to claim maintenance from her husband. The object of Section 125 Cr.P.C., is to prevent destitution and vagrancy by compelling those who can support their dependants to do so. The Hon'ble Supreme Court in the case **Chaturbhuj v. Sita Bai**¹, has held that:-

‘6.The object of the maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy by compelling those who can provide support to those who are unable to support themselves and who have a moral claim to support.The phrase ‘unable to maintain herself’ in the instant case would mean that means available to the deserted wife while she was living with her husband and would not take within itself the efforts made by the wife after desertion to survive somehow.Section 125 CrPC is a measure of social justice and is specially enacted to protect women and children and as noted by this Court in Captain Ramesh Chander Kaushal vs Veena Kaushal and ors (AIR 1978 SC 1807) falls within constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India, 1950.It is meant to achieve a social purpose. The object is to prevent vagrancy and destitution.....’

11.At the same time, the entitlement of the wife is subject to proof of neglect or refusal on the part of the husband and also dependent upon his financial capacity.The learned Trial Court, after considering evidence, held that the first petitioner is able to sustain herself and that the respondent,

¹ (2008) 2 SCC 316



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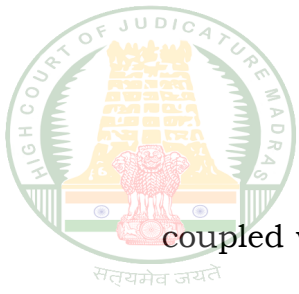
being a senior citizen suffering from paralysis, is financially constrained.

This finding cannot be lightly interfered with in revision.

12.It is also relevant to note that under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, senior citizens are entitled to be maintained by their children. In the present case, the respondent has been neglected by his children, including the petitioners, despite his medical needs. Courts cannot ignore the balance of obligations under both statutes – while a wife has rights under Section 125 Cr.P.C., a senior citizen also has a statutory right to maintenance and medical care under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

13.It is an admitted fact that the respondent, at the time of his voluntary retirement, was drawing a salary of Rs.17,000/- per month. The petitioners' claim is that a monthly maintenance of Rs.30,000/- is a reasonable sum. Even assuming that he has received retirement benefits, his pension would be around Rs.5,000/- to Rs.10,000/-. The learned Trial Court has recorded that the respondent, now aged 65 years, is suffering from a paralytic attack and requires medical treatment and support.

14.Taking into account the evidence on record and the manner of life led by the parties, this Court finds that though the respondent admitted having received about Rs.3,00,000/- towards retirement benefits, the same



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coupled with the pension he is receiving, would suffice for his maintenance.

The learned Trial Court has rightly concluded that the first petitioner is able to sustain herself with the support available and the respondent, being a senior citizen with serious medical ailments, cannot be burdened with the additional responsibility of paying maintenance.

15.In view of the above, this Court is of the considered opinion that the learned Trial Court has passed a reasoned order after due appreciation of evidence and no interference is warranted. Accordingly, this Criminal Revision Case fails and the same is dismissed. No Costs.

12.08.2025

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

To

1.The Judicial Magistrate, Paramakudi.



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L.VICTORIA GOWRI, J.

Mrn

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