



CRL RC(MD)No.1051 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1051 of 2025

Vijayalakshmi

... Petitioner

Vs.

S.Elango

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for and examine the records relating to and connected with the proceedings of the learned Judicial Magistrate, Valliyur, in CrI.M.P.No.1197 of 2024 in M.C.No.2 of 2024 on its resulting in its order dated 06.08.2024 made therein and set aside the same.

For Petitioner : Mr.K.Saravanan

For Respondent : Mr.B.Narayana Sudalai Muthu

ORDER

Challenging the order passed by the learned Judicial Magistrate, Valliyur, in CrI.M.P.No.1197 of 2024 in M.C.No.2 of 2024 dated 06.08.2024, this Criminal Revision case is filed.

2. The petitioner filed an application under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance of Rs.50,000/- from the respondent who is employed in Africa. The petitioner and the respondent got



CRL RC(MD)No.1051 of 2025

married on 09.12.2002 and the claim of the petitioner is that she is suffering from blood clot ailment and that the respondent husband is having illicit relationship with his brother's wife. As a result of which, he had deserted and failed to maintain the petitioner continuously to that extent that he did not even turn up to provide appropriate medical treatment to the petitioner wife and also to support her financially to undergo treatment, hence, claiming maintenance of Rs.50,000/-, she had filed an application under Section 125 of the Code of Criminal Procedure, 1973.

3. The respondent had filed a counter affidavit before the learned Trial Court, in which he had stated that since the petitioner wife is continuously suffering from medical ailments, though he was in abroad his parents had taken care of her very well, despite the petitioner pestering him for a separate residence. The truth is that it is only because of the continuous medical treatment which the petitioner is undergoing, the respondent was burdened with a lot of loans and presently he is also suffering from several medical ailments due to his over work. While being so, he also submitted in his counter affidavit that he had filed H.M.O.P.No.55 of 2024 before the learned Sub Court, Valliyur, seeking divorce.

4. The learned Trial Court, after hearing both the parties, passed an order of interim maintenance, directing the respondent to pay an amount of Rs. 5000/- every month till the disposal of the maintenance application,



CRL RC(MD)No.1051 of 2025

either directly or through bank account from the date of application till the disposal of the said maintenance application. Challenging the same, this Criminal Revision Case is filed seeking enhancement of maintenance.

5. The learned counsel for the petitioner submitted that the amount of Rs.5000/- is a paltry amount with which she cannot even meet out her day-to-day expenses. That apart, she is also suffering from severe medical ailments, for which, the said amount would be insufficient. He also pointed out that the respondent husband is earning to the tune of at least Rs. 2,00,000/- in Africa and pressed for enhancing the interim maintenance.

6. The learned counsel for the respondent husband submitted that the claim of the petitioner that the respondent is earning more than Rs. 2,00,000/- is without any basis and he can clearly prove before the learned Trial Court by producing his salary slip. He further submitted that the respondent lost his job after March 2025 and hence, pressed for dismissal of the Criminal Revision case.

7. Heard the learned counsel for the petitioner, the learned counsel for the respondent and carefully perused the materials available on record.

8. This Court is of the considered view that though the respondent lost his job, the petitioner being the wife of the respondent, the respondent has



CRL RC(MD)No.1051 of 2025

the responsibility and duty to maintain the petitioner. It is needless to state that Rs.5,000/- (Rupees Five Thousand only) is obviously a paltry sum with which any woman cannot lead her life in the present cost of living.

9. Accordingly, the impugned order is modified, by directing the petitioner to pay a monthly maintenance of Rs.10,000/- (Rupees Ten Thousand only). It is made clear that any observation made by this Court will not influence the mind of the learned Judicial Magistrate while passing the final orders.

10. With the above directions, this Criminal Revision case is partly allowed. No costs.

20.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate,
Valliyur.



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CRL RC(MD)No.1051 of 2025

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.1051 of 2025

20.08.2025