



CRL.R.C.(MD)No.844 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.09.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.844 of 2025

and

CrI.M.P.(MD)No.8963 of 2025

Vijayakumar

... Petitioner

vs.

Amschamani

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order passed in M.C.No.2 of 2020, dated 13.05.2025 on the file of the Judicial Magistrate Court, Oddanchatram.

For Petitioner :Mr.B.Arun Prasanth
For Respondent :Mr.R.Muruganantham

ORDER

Heard Mr.B.Arun Prasanth, learned Counsel for the petitioner and Mr.R.Muruganantham, learned Counsel for the respondent.



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2.This Criminal Revision Petition has been filed by the petitioner against the impugned judgement and order, dated 13.05.2025, passed by learned Judicial Magistrate, Oddanchatram, in M.C.No.2 of 2020 by which the respondent/wife was awarded Rs.10,000/-per month, as maintenance.

3.Mr.B.Arun Prasanth, learned Counsel appearing for the petitioner submits that the petitioner and the respondent are husband and wife. The marriage between the petitioner and the respondent was solemnized on 07.09.1998. Due to difference of opinion, they are living separately and the respondent has filed a petition in M.C.No.2 of 2020 under Section 125 of Cr.P.C before the Judicial Magistrate Court, Oddanchatram, seeking maintenance and the learned Judicial Magistrate, Oddanchatram, vide judgment and order, dated 13.05.2025, awarded Rs.10,000/- per month as maintenance to the respondent.

4.The learned Counsel for the petitioner further submits that the petitioner is receiving only a meager salary and is, therefore, unable to



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pay a sum of Rs.10,000/- per month towards maintenance to the respondent. He further submits that the learned Judicial Magistrate, Oddanchatram, failed to consider that the respondent/wife is working as a Security Guard at Government Medical College, Dindigul, and is earning a sum of Rs.8,925/- per month. He further submits that the learned Judicial Magistrate, Oddanchatram, failed to consider that the respondent/wife is residing separately from the petitioner without any just or reasonable cause, and as such, she is not entitled to claim maintenance from the petitioner. It is also submitted that the petitioner is willing to resume cohabitation. However, the learned Judicial Magistrate, Oddanchatram, after recording the statements of the contesting parties, without properly appreciating the facts and evidence available on record, allowed the application filed by the respondent and awarded a sum of Rs.10,000/- per month as maintenance to the respondent. Moreover, the petitioner is working as a Sweeper, with a meager income, which is insufficient to support his family and maintain his elderly parents. Thus, he prays this Court to set aside the impugned judgment and order dated 13.05.2025 passed by the Judicial Magistrate, Oddanchatram, in M.C. No.2 of 2020



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5.Per contra, Mr.R.Muruganantham, learned Counsel for the respondent submitted that the Family Court has passed the impugned order after duly considering the facts and circumstances of the case, as well as the statements of both the petitioner and the respondent. It is contended that, in such circumstances, and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

6.I have considered the submissions of the learned Counsel for the parties and also perused the record.

7.The learned Counsel for the petitioner has not been able to point out any such illegality or impropriety or incorrectness in the impugned order which may persuade this Court to interfere in the same. The amount fixed for maintenance was Rs.10,000/- for the respondent, which, in the present days of rising prices and high cost of living, cannot be



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considered excessive or disproportionate. The provisions of [Section 125](#) of Cr.P.C are beneficial provisions, which are enacted to stop the vagrancy of a destitute wife and provide some succour to them, who are entitled to get the maintenance which cannot be denied.

8.In such circumstances to meet the ends of justice, the impugned order does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of Court's process.

9.In view of the above, the Criminal Revision Petition lacks merit and stands dismissed. Consequently, connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
cmr

10.09.2025

To
The Judicial Magistrate, Oddanchatram.

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SHAMIM AHMED, J.

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