



Crl.R.C(MD)No.1286 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1286 of 2025

and

CRL MP(MD)No.13239 of 2025

D.Premkumar,
S/o.Devaraj,
E-51, Kilpauk Police Quarters,
Lutheral Garden Kilpauk,
Kilpauk,
Chennai – 600 010.

... Petitioner

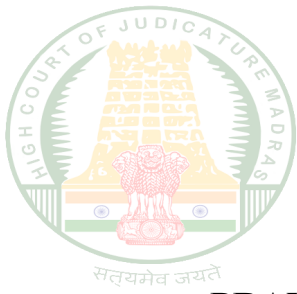
vs.

1.K.Sarika,
W/o.Prem Kumar

2.Minor.Dhuruva Dikshit
S/o.Prem Kumar
(R-2 is represented by R1 who is the mother and natural guardian)

Both are residing at
No.3/121, Melatheru,
T.Bommainayakkanpatti,
Thirmrasanayakanoor Post,
Aandipatty Taluk,
Theni District – 625 536.

... Respondents



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PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertains to the impugned order passed by the learned Family Court Judge, Theni in M.C.No.91 of 2022, dated 18.09.2024 and to set aside the same and allow the Criminal Revision.

For Petitioner :Mr.C.Deepak Kumar

For Respondent :Ms.A.Aishwarya Caroline
For Mr.R.Karunanidhi

ORDER

Heard Mr.C.Deepak Kumar, learned counsel for the Petitioner and Ms.A.Aishwarya Caroline, learned counsel for Mr.R.Karunanidhi, learned counsel for the Respondent.

2. This Criminal Revision Petition has been filed by the petitioner against the impugned judgement and order dated 18.09.2024 passed by Family Court, Theni in M.C.No.91 of 2022 by which the 1st Respondent



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was awarded Rs.10,000/- and the 2nd Respondent was awarded Rs.10,000/- per month, totalling Rs.20,000/- as maintenance allowance and also imposed cost of Rs.10,000/- to the Respondents for the case expenditures.

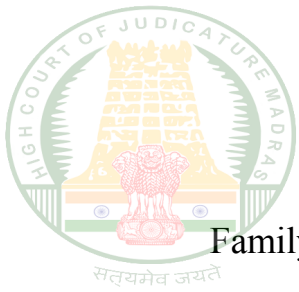
3. Mr.C.Deepak Kumar, learned counsel appearing for the Petitioner submits that the Petitioner and the 1st Respondent are husband and wife. The 2nd Respondent is their son. The marriage between the petitioner and the respondent was solemnized on 15.11.2015. Due to difference of opinion, they are living separately and the 1st Respondent has filed a petition in M.C.No.91 of 2022 under Section 125 of Cr.P.C before the Family Court, Theni seeking maintenance and the Family Court vide order dated 18.09.2024 awarded Rs.10,000/- to the 1st Respondent and Rs.10,000/- to the 2nd Respondent, totalling Rs.20,000/- per month, as maintenance allowance and also imposed cost of Rs.10,000/- to the Respondents for the case expenditures.



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4. The learned counsel for the Petitioner further submits that the Petitioner, who is receiving only a meager salary, is therefore unable to pay a sum of Rs.20,000/- per month towards maintenance to the Respondents. He further submits that the Family Court failed to consider that the 1st 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 Family Court, after recording the statements of the contesting parties, without properly appreciating the facts and evidence available on record, partly allowed the application filed by the 1st Respondent and awarded a sum of Rs.10,000/- to the 1st Respondent and Rs.10,000/- to the 2nd Respondent, totalling Rs.20,000/- per month, as maintenance allowance and also imposed cost of Rs.10,000/- to the Respondents for the case expenditures.

5. Per contra, Ms.A.Aishwarya Caroline, learned counsel for Mr.R.Karunanidhi, appearing for the Respondent submitted that the



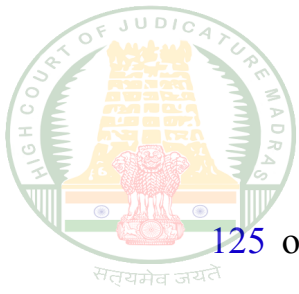
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Family Court has passed the impugned order after duly considering the facts and circumstances of the case, as well as the statements of both the Petitioner and the 1st Respondent. It is contended that, in such circumstances, and in order to meet the 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 submission 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.20,000/- for the Respondents, which, in the present days of rising prices and high cost of living, cannot be considered excessive or disproportionate. The provisions of [Section](#)



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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. The fact that the Petitioner is the husband of the 1st Respondent and the father of the 2nd Respondent, who is a minor son, has not been denied. Therefore the Court below, has rightly taken into consideration the statement filed by the petitioner/husband and awarded maintenance, in which this Court does not find any illegality or infirmity.

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. Thus, this Court does not find any merit in the Petitioner's case and the Family Court, Theni had rightly passed the order in M.C.No.91 of 2022 dated 18.09.2024.



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WEB COPY 10. In view of the above, this Criminal Revision Petition lacks merit and stands **dismissed** and the Family Court, Theni is directed to proceed with the matter in accordance with law for recovery of arrears amount. The file is consigned to record. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No

24.09.2025

Internet :Yes / No

NCC :Yes / No

Nsr

To:

- 1.The Judge, Family Court, Theni.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
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24.09.2025