

CRL RC(MD)No.807 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.807 of 2025

and

CRL MP(MD)No.8600 of 2025

Sundar ... Petitioner/ Respondent
Vs.

Reshma ... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the order in M.C.No.25/2024 dated 07.04.2025 passed by the learned Family Court, Theni, and set aside the same by allowing the Criminal Revision Petition.

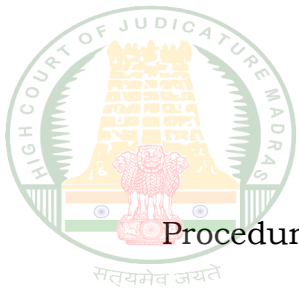
For Petitioner : Mr.D.Saravanan

For Respondent : No appearance

ORDER

Challenging the order passed by the learned Family Court, Theni, in M.C.No.25 of 2024 dated 07.04.2025, this Criminal Revision case is filed.

2. The petitioner herein is the respondent before the learned Trial Court and the husband of the respondent. The respondent herein filed an application for maintenance under Section 125 of the Code of Criminal



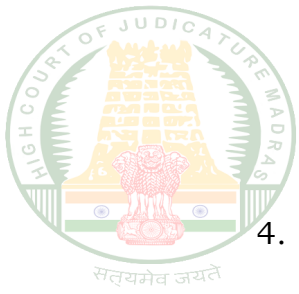
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Procedure Code, 1973, before the learned Trial court.

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3. *The crux of the case of the respondent before the learned Trial Court is as follows:*

On 26.08.2021 at V.L.Krishnasamy-Rukmani Ammal Marriage Hall, Lakshmipuram, Periyakulam Taluk, the petitioner married the respondent according to Hindu customs and rites, and they commenced their matrimonial life in their shared matrimonial home along with the petitioner's parents in a joint family setup. Only for two months, the wife lived with the husband, and thereafter she was subjected to severe domestic violence by her in-laws, sister-in-law, and her husband. While being so, she got pregnant and even during pregnancy, she was continuously subjected to domestic violence. On 23.07.2023, the wife was blessed with the male child, namely, Adharva Dev. After five months from the date of birth of the child, the wife was taken back to their Matrimonial Home. Even thereafter, she was continuously subjected to domestic violence by her in-laws and her husband. Not able to withstand the domestic violence and abuse, the wife had left her matrimonial home and returned to her maternal home. While being so, the husband had taken the child forcibly with him on 08.08.2023 and thereafter filed a petition for divorce in H.M.O.P.No.569 of 2023 on the file of the learned Family Court, Theni. The husband was working in a private firm and was drawing Rs.1,00,000/- as salary and on that premise, the petitioner had sought for the maintenance of Rs.30,000/- per month.

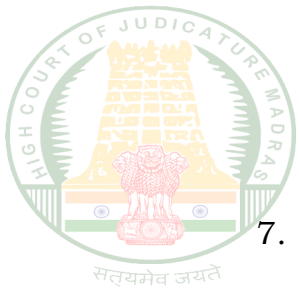


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4. However, the respondent husband who is the petitioner herein had filed a counter affidavit, in which, he had raised an allegation of adultery between the respondent / petitioner wife with one Madhan Kumar and further submitted that he was presently unemployed and he is no longer employed in BYJU'S Think and Learn Pvt. Ltd., and sought for dismissal of the Maintenance case.

5. The learned Trial Court proceeded to examine the petitioner as PW-1, and marked the EX.P-1 to P-4 on the side of the petitioner wife / respondent, and the husband was examined as RW-1, and one document was marked on the side of the respondent / petitioner.

6. On the basis of the evidence, documents marked and the arguments of the respective parties, the learned Trial Court proceeded to observe that the question of adultery was not proved by the husband for the reason that he himself had admitted in his cross examination that though he had seen his wife with one Madhan Kumar in an approximate proximity, the same was not in an uncomfortable position and that she had duly explained that he is the driver of her mother. He did not further raise any question to the wife at that point of time. That particular admission has been recorded by the learned Trial Court, and the learned Trial Court proceeded to conclude that the allegation of adultery cannot be made out in the absence of any proof positively given by the husband in the trial.



7. However, the learned Trial Court further proceeded to negate the submission of the respondent that he is no more employed by BYJU'S Think and Learn Pvt. Ltd., since he had not marked any relieving order or termination order, proceeded to pass an order in favour of the respondent wife, directing the petitioner husband to pay an amount of Rs.25,000/- as monthly maintenance. Challenging the same, this Criminal Revision case is filed.

8. Notice duly served on the respondent wife. Despite her name being printed, neither the respondent nor her counsel appeared before this Court.

9. The learned counsel for the petitioner categorically contended that the marriage between the petitioner and the respondent has already been dissolved in H.M.O.P.No.569 of 2023 by the learned Family Court, and the custody of the minor child is with the petitioner herein. The learned counsel for the petitioner further pointed out that the learned Trial Court had proceeded to pass an order in favour of the respondent, directing the petitioner to pay a monthly maintenance of Rs.25,000/- for the sole reason that the petitioner failed to produce any termination order or relieving order from BYJU'S Think and Learn Pvt. Ltd. To substantiate his claim that he is unemployed, the learned counsel insisted that even now he is remaining unemployed and the respondent is a woman of good resources and she hails from a wealthy family and sought for setting aside the impugned order and



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allowing the Criminal Revision case.

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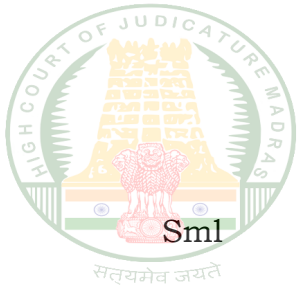
10. A careful perusal of the impugned order would reveal that for the sole reason that the petitioner had failed to mark a document pertaining to his relieving or termination from BYJU'S Think and Learn Pvt. Ltd., the learned Trial Court had proceeded to pass a positive direction, directing the husband to give an amount of Rs.25,000/- in favor of the respondent wife.

11. It is needless to state that the company named BYJU'S Think and Learn Pvt. Ltd., do not exist anymore because it is very much in the public platform that the said company has become dys-functional and in such a way that there would not have been any circumstances for that company to issue termination order or relieving order for its employees. However, I have no doubt that the respondent being the wife of the petitioner, the petitioner has the responsibility and duty to maintain her.

12. Accordingly, the impugned order is modified, by directing the petitioner to pay a monthly maintenance of Rs.15,000/- (Rupees Fifteen Thousand only) per month from the date of application, that is from 15.02.2024. Accordingly, this Criminal Revision case is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.08.2025

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



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To

1.The Family Court,
Theni.



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L.VICTORIA GOWRI, J.,

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