



Crl.R.C.(MD)No.838 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.R.C.(MD) No.838 of 2025

and

Crl.M.P.(MD) No.8915 of 2025

U.Ragupathy Raja
S/o. Ukkirapandian,
Door No.1673/D1,
Alagumeignanapuram,
Vandavasi Road,
Sivagangai District.

...Petitioner

Vs

1.R.Someshwari,
W/o. Ragupathy Raja

2.R.Subash
S/o.Ragupathy Raja
(1st respondent is the guardian of the minor children)

3.R.Maha Manasha Koori
S/o.Ragupathy Raja
(1st respondent is the guardian of the minor children)

Both are residing at
Door No.164/2, Vijayalakshmi Nagar,
Thondi Road,
Sivagangai District.

...Respondents



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Prayer:- Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, to call for the records relating to the case in M.C.No.36 of 2024 dated 28.03.2025 on the file of the Family Court, Sivagangai and set aside the same as illegal.

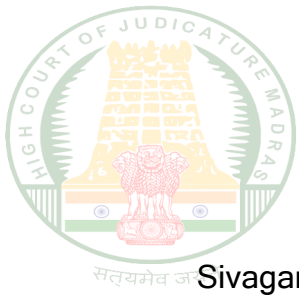
For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.C.Senthil Murugan

ORDER

Heard Mr.J.Jeyakumaran, learned counsel for the petitioner and Mr.C.Senthil Murugan, learned counsel for the respondents.

2.This Criminal Revision Case has been filed against the impugned order, dated 28.03.2025, passed by Family Court, Sivagangai, in M.C.No.36 of 2024, by which, the respondent Nos.2 and 3 were awarded a sum of Rs.5,600/- each per month, in total a sum of Rs.11,200/-, towards maintenance.

3.Mr.J.Jeyakumaran, learned counsel appearing for the petitioner submits that the petitioner and the respondent No.1 are husband and wife and the respondent Nos.2 and 3 are their children. The marriage between the petitioner and the respondent No.1 was solemnized on 02.09.2009. Due to difference of opinion, they are living separately and the respondent No.1 has filed a petition in M.C.No.36 of 2024 under Section 125 of Cr.P.C before the Family Court,



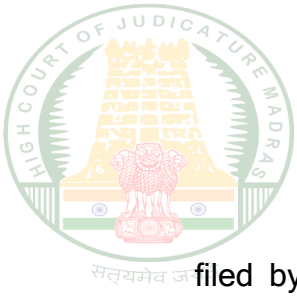
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Sivagangai, seeking maintenance and the Family Court, Sivagangai, vide order, dated 28.03.2025, awarded a sum of Rs.5,600/- to the respondent Nos.2 and 3 each per month, in total a sum of Rs.11,200/-, as maintenance. The claim of maintenance, insofar as respondent No.1/wife is concerned, was rejected by the Trial Court.

4.The learned counsel for the petitioner further submits that the petitioner is receiving only a meager salary and is therefore unable to pay a total sum of Rs. 11,200/- towards maintenance to the respondent Nos.2 and 3. He further submits that the Family Court, Sivagangai, failed to consider that the respondent No.1/wife joined duty in the State Bank of India Insurance and is earning a sum of Rs.40,000/- per month. The Family Court, Sivagangai, also failed to consider that the respondent No.1 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, even though the petitioner is willing to resume cohabitation. Moreover, the petitioner is working as Driver in the Oxford Metric School, Sivagangai, with a meager income, which is insufficient to support his family and maintain his elderly parents.

5.It was further submitted that the Family Court, Sivagangai, without properly appreciating the facts and evidence on record, partly allowed the application



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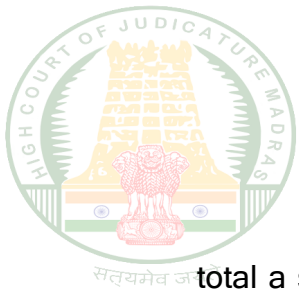
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filed by the respondent No.1 and awarded a sum of Rs.5,600/- each to the respondent Nos.2 and 3 per month, in total a sum of Rs.11,200/-, towards maintenance. Thus, he prays this Court to set aside the impugned judgment and order dated 28.03.2025 passed by the Family Court, Sivagangai, in M.C. No.36 of 2024.

6.*Per contra*, Mr.C.Senthil Murugan, learned counsel for the respondents submitted that the Family Court, Sivagangai, 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 respondents. 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.

7.I have considered the submission of the learned counsel for the parties and also perused the record.

8.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 with the same. The amount fixed for maintenance was Rs.5,600/- each to the respondent Nos.2 and 3 per month, in



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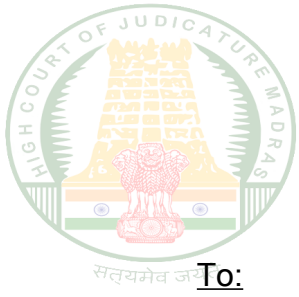
total a sum of Rs.11,200/-, which, in the present days of rising prices and high cost of living, cannot be considered excessive or disproportionate. The provisions of [Section 125](#) of Cr.P.C are beneficial provisions, which are enacted to stop the vagrancy of a destitute wife and provide some succour to them, who are entitled to get the maintenance which cannot be denied. The fact that the petitioner is the husband of the first respondent, has not been denied.

9.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.

10.In view of the above, the Criminal Revision Petition lacks merit and stands **dismissed** and the Trial Court is directed to proceed the matter in accordance with law. Consequently, connected Miscellaneous Petition stands closed.

10.09.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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The Judge,
Family Court, Sivagangai



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SHAMIM AHMED, J.

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