



CrI.R.C.(MD)No.1333 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.04.2025

Pronounced on : 04.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.1333 of 2023

and

CrI.M.P.(MD)No.17062 of 2023

Vijayakumar

... Petitioner

Vs.

V.Sumathi

... Respondent

Prayer : This Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C., to call for the records pertaining to the impugned order dated 22.12.2017 passed in M.C.No.18 of 2015 by the learned Judicial Magistrate No.1, Kovilpatti and set aside the same as illegal.

For Petitioner : No appearance

For Respondent : Mr.B.Senthil Kumar

ORDER

The Criminal Revision is directed against the ex-parte order passed



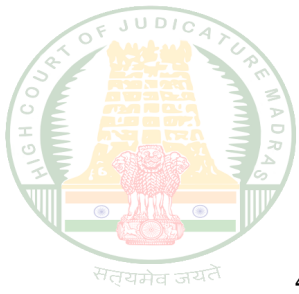
Crl.R.C.(MD)No.1333 of 2023

WEB COPY

in M.C.No.18 of 2015 dated 22.12.2017 on the file of the Court of Judicial Magistrate No.1, Kovilpatti, granting maintenance.

2. Admittedly, the marriage between the petitioner and the respondent was solemnized on 14.07.2014 at Srivilliputtur. Subsequently, the petitioner, by demanding additional dowry, had harassed the respondent, due to which, they are living separately.

3. The respondent has filed a petition under Section 125 Cr.P.C. claiming maintenance. The petitioner has not turned up. The learned Judicial Magistrate No.1, Kovilpatti, after conducting enquiry, has passed the impugned order directing the petitioner to pay monthly maintenance at Rs.10,000/- (Rupees Ten Thousand only) to the respondent from the date of filing of the petition and continue to pay the same on or before 5th of every English calendar month and also directed to pay the arrears amount from 14.10.2015 to 22.12.2017 i.e., Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) within a period of three months from the date of that order. Aggrieved by the said impugned order, the husband has now come forward with the present revision.



Crl.R.C.(MD)No.1333 of 2023

WEB COPY

4. When the matter was taken up for hearing on 04.03.2025, this Court, considering the submission made by the learned counsel appearing for the respondent that after deducting the amount already paid, there is still arrears to the tune of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) and also the submission made by the learned counsel appearing for the petitioner that the petitioner is ready to deposit the amount now claimed, directed the petitioner to deposit Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of M.C.No.18 of 2015, before the trial Court on or before 24.03.2025 and posted the matter on 25.03.2025 for reporting compliance and subsequently, at request of the learned counsel appearing for the petitioner, the matter was adjourned to 03.04.2025 and again to 09.04.2025 for reporting compliance. When the matter was taken up on 09.04.2025, there was no representation for the petitioner and it was consequently posted on 25.04.2025 for orders and even on 25.04.2025, there was no representation for the petitioner.

5. When the matter was taken up for hearing on 25.04.2025, the learned counsel appearing for the respondent would submit that the



Crl.R.C.(MD)No.1333 of 2023

petitioner has not complied with the order of this Court.

WEB COPY

6. In similar matter, this Court in *Permalsamy Vs. Krishnaveni and other* (Crl.R.C.(MD)No.307 of 2020 dated 03.04.2023) had dealt with the above aspects and the relevant passages are extracted hereunder:-

*“14. At this juncture, it is necessary to refer the order of the Hon'ble Supreme Court in **Kiran Tomar and others Vs. State of Uttar Pradesh and another**, reported in 2022 SCC OnLine SC 1539, wherein, the order of the High Court setting aside the judgment of the Family Court was challenged and the Hon'ble Supreme Court, while setting aside the order the High Court, has passed an order directing the second respondent husband to comply with the interim order already passed by the Family Court on or before 31.12.2022 to pay the entire arrears of maintenance payable to the appellants and on compliance of the above condition, the impugned order of the High Court was ordered to be set aside and the Criminal Revision was ordered to be restored, but on the other hand, in the event that the second respondent husband fails to comply with the above direction for the payment of arrears of maintenance by 31.12.2022, the Criminal Revision instituted by the second respondent shall stand dismissed.*



WEB COPY



Crl.R.C.(MD)No.1333 of 2023

15. *As rightly contended by the learned counsel appearing for the respondents, considering the above, it is clearly evident that the Court can very well pass conditional order for the payment of maintenance arrears.*

16. *Moreover, the Hon'ble Supreme Court in **Rajnish Vs. Neha and another** reported in (2021) 2 SCC 324, while giving guidelines for the fixation of maintenance amounts, has specifically held that striking off the defence of the respondent is an order which ought to be passed in the last resort, if the Courts find default to be wilful and contumacious, particularly to a dependant unemployed wife, and minor children.*

17. *It is pertinent to note that the Hon'ble Supreme Court has pointed out that it is the sacrosanct duty of the husband to provide financial support to his wife and to the minor children.*

18. *The Hon'ble Supreme Court has settled the position of law that Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. In **Chaturbhuj Vs. Sita Bai** reported in (2008) 2 SCC 316, the Hon'ble Supreme Court has specifically observed that object of the maintenance is to prevent vagrancy and destitution of the deserted wife by*



WEB COPY



Crl.R.C.(MD)No.1333 of 2023

providing her food, clothing and shelter through a speedy remedy.

19. It is pertinent to note that right to get maintenance is not only a constitutional rights, but can be considered as an element of universal human rights. The very purpose of ordering maintenance is to prevent vagrancy as a result of strained relationships and to guarantee that the poor litigating spouse is not crippled as a result of a lack of funds to defend or prosecute the case.”

7. The legal position above referred is squarely applicable to the case on hand. In the present case also, the petitioner, without complying with the order of this Court, has absolutely no right or *locus standi* to advance the arguments or to proceed with the main revision case.

8. As already pointed out, though this Court has directed the petitioner to deposit Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) on 04.03.2025, the petitioner has not even attempted to comply with the said order.

9. Considering the above, this Court is of the clear view that the



Crl.R.C.(MD)No.1333 of 2023

WEB COPY

petitioner is not entitled to proceed further. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

10. In the result, this Criminal Revision case stands dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

04.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1.The Judicial Magistrate No.1,
Kovilpatti.



WEB COPY



Crl.R.C.(MD)No.1333 of 2023

K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.R.C.(MD)No.1333 of 2023
and
Crl.M.P.(MD)No.17062 of 2023

Dated : 04.08.2025