

CRL RC(MD)No.1078 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1078 of 2023

Venkadesan

... Revision Petitioner/ Respondent

Vs.

1.Kawsalyadevi
2.Minor. Rithik
3.Minor. Rishik

(R2 and R3 minors are represented by
their mother R1)

... Respondents

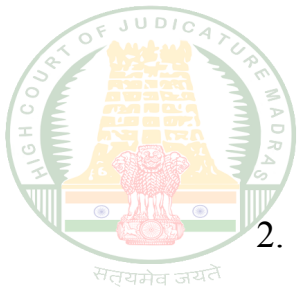
PRAYER: Criminal Revision Petition is filed under Section 379 r/w 401 of Cr.P.C., to call for the records to set aside the order dated 28.02.2023 made in M.C.No.13 of 2022, on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District and allow the criminal revision petition.

For Petitioner : Mr.S.Moorthy

For Respondents : Mr.AK.Gopalan

ORDER

This Criminal Revision Petition is filed to call for the records to set aside the order dated 28.02.2023 made in M.C.No.13 of 2022, on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District and set aside the same.



2. The case of the prosecution is that the petitioner and the first respondent got married in the year 2010. In 2011, they were blessed with twin child / respondents 2 and 3. Due to misunderstanding, the petitioner and the first respondent got separated and the first respondent filed H.M.O.P.No.120 of 2022 before the Sub Court, Dindigul. The first respondent has also filed M.C.No.13 of 2022 before the learned Judicial Magistrate, Nilakottai, Dindigul District, for maintenance of Rs.40,000/- from the respondent, who is claimed to be getting a salary of Rs.80,000/- per month. The third respondent herein is affected with cerebral palsy and a sum of Rs.8,000/- per month, is needed for his treatment. The trial Court on the basis of the evidence adduced and the documents marked by the first respondent herein and also considered the fact that the petitioner herein has failed to file counter, had passed an ex parte order on 28.02.2023, stating that the petitioner is working at Mondelez India Foods Private Limited and earning a sum of Rs.88,992/- per month, directed the petitioner herein to pay a sum of Rs.40,000/- per month as maintenance (*Rs. 10,000/- to the first respondent and Rs.15,000/- each (totally Rs.30,000/-) to the children*). The petitioner preferred this Criminal Revision Petition as against the order dated 28.02.2023 in M.C.No.13 of 2022, on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District, and to set aside the same.



CRL RC(MD)No.1078 of 2023

3. Learned counsel for the petitioner submitted that the petitioner is working as a Mechanical Engineer in the company and he is not earning much to give maintenance to the respondents.

4. The petitioner was directed to produce the salary certificate. But he has produced a statement of account in which a sum of Rs.13,000/- has been transferred by one Coco-cola company by NEFT.

5. In view of the same, I am of the considered view that the reluctant attitude of the petitioner to place the salary slip before this Court, is a calculated decision to evade his responsibility in paying the maintenance to the respondents by complying the order passed by the trial Court. Therefore, I do not find any infirmity in the order passed by the learned Judicial Magistrate, Nilakottai, Dindigul District dated 28.02.2023 made in M.C.No.13 of 2022.

6. Accordingly, this Criminal Revision Case is dismissed.

18.08.2025

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

pnn



WEB COPY



CRL RC(MD)No.1078 of 2023

L.VICTORIA GOWRI, J.,

pnn

To

1.The Judicial Magistrate, Nilakottai, Dindigul District

CRL RC(MD)No.1078 of 2023

18.08.2025