



*Crl.R.C.(MD)No.168 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Crl.R.C.(MD)No.168 of 2025

and

Crl.M.P.(MD)No.1658 of 2025

P.Saravana Murugan

... Petitioner

Vs.

1.Nagalakshmi

2.Minor.S Nithila

*(Minor represented by her mother and natural guardian, the 1<sup>st</sup> respondent herein)*

... Respondents

**PRAYER :** Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for records relating to the order passed by the learned Judicial Magistrate, Vadipatti in Crl.M.P.No.3484 of 2023 in M.C.No.3 of 2021 dated 06.01.2024 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.P.Kamalakannan



*Crl.R.C.(MD)No.168 of 2025*

WEB COPY

**ORDER**

This Criminal Revision is directed against the order passed in Crl.M.P.No.3484 of 2023 in M.C.No.3 of 2021 dated 06.01.2024 on the file of the Judicial Magistrate, Vadipatti, allowing the petition filed under Section 128 Cr.P.C.

2. Admittedly, the marriage between the petitioner and the first respondent was solemnized on 08.06.2006 and due to their wedlock, they were blessed with a daughter/second respondent herein. Subsequently, the petitioner had harassed the first respondent, due to which, they are living separately.

3. The first respondent for herself and on behalf of her minor daughter has filed a petition under Section 125 Cr.P.C. claiming maintenance. The learned Judicial Magistrate, Vadipatti, after conducting enquiry, has passed an order directing the petitioner to pay monthly maintenance of Rs.6,000/- to the first respondent and Rs.9,000/- to the second respondent and also directed the petitioner to pay the arrear amount of maintenance in the same quantum from the date of filing of



*Crl.R.C.(MD)/No.168 of 2025*

WEB COPY

the petition i.e., Rs.2,70,000/- within a period of six months from the date of that order. Since the petitioner has not paid any amount, the respondents have filed the above petition under Section 128 Cr.P.C. in Crl.M.P.No.3484 of 2023 and the learned Judicial Magistrate, after enquiry, has passed the impugned order dated 06.01.2024 directing the petitioner to pay sum of Rs.3,79,000/- within a period of four months, failing which, warrant will be issued. Aggrieved by the said impugned order, the present revision came to be filed.

4. The learned counsel appearing for the respondent would submit that since the petitioner has not complied with the directions of the learned Judicial Magistrate dated 06.01.2024 in Crl.M.P.No.3484 of 2023, warrant has already been issued.

5. It is evident from the records that this Court vide order dated 07.02.2025, while granting interim stay, directed the petitioner to deposit 75% of arrears of maintenance amount on or before 06.03.2025 and that subsequently the petitioner has filed a petition seeking extension of time to deposit the amount and this Court vide order dated 19.03.2025 has



*Crl.R.C.(MD)No.168 of 2025*

granted time till 01.04.2025 and posted the matter on 02.04.2025 for reporting compliance.

6. When the matter is taken up for hearing today (02.04.2025), the learned counsel appearing for the petitioner would submit that the petitioner has not complied with the direction of this Court, but sought for further time.

7. 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*



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**Crl.R.C.(MD)No.168 of 2025**

*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.*

*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*



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**Crl.R.C.(MD)No.168 of 2025**

*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 **Chaturbhuji 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 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.”*

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



*Crl.R.C.(MD)No.168 of 2025*

WEB COPY

9. As already pointed out, though this Court has directed the petitioner to deposit the 75% of the arrears amount on 07.02.2025, the petitioner has not even attempted to comply with the said order and more importantly, he has not even paid single paisa to the respondents.

10. Considering the above, this Court is of the clear view that the petitioner is not entitled to proceed further. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

11. In the result, this Criminal Revision case stands dismissed.  
Consequently, connected Miscellaneous Petition is closed.

**02.04.2025**

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

To  
1.The Judicial Magistrate,  
Vadipatti.



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*Crl.R.C.(MD)No.168 of 2025*

**K.MURALI SHANKAR,J.**

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Order made in  
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and  
Crl.M.P.(MD)No.1658 of 2025

Dated: 02.04.2025