



Crl.R.C.(MD)No.134 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.134 of 2025
and
Crl.M.P(MD)No.1420 of 2025

Balavenkatesh

... Petitioner

Vs.

1.Minor.Aswanth

2.Minor.Akshaya Shri

3.Dhakshayani

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order of the Family Court, Karur, dated 26.02.2024 made in M.C.No.49 of 2023 and set aside the same.

For Petitioner : Mr.M.Deepan Chakravarthi

For Respondents : Mr.V.G.Chezhiyan

ORDER

The Criminal Revision is directed against the order passed in M.C.No.49 of 2023, on the file of the Family Court, Karur, dated 26.02.2024, granting maintenance.



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2. The third respondent/third petitioner for herself and on behalf of her minor children has filed a complaint under Section 125 Cr.P.C. seeking maintenance against the petitioner/respondent. Admittedly, the marriage between the petitioner and the third respondent was solemnized on 02.03.2008 at Vasavi Marriage Hall at Musiri and due to their wedlock, they were blessed with two children. The petitioner has filed a counter statement raising objections.

3. During trial, the third respondent has examined herself as P.W.1 and exhibited 6 documents as Ex.P.1 to Ex.P.6. The petitioner has examined himself as R.W.1 and examined his close friend namely Sridhar as R.W.2 and adduced no documentary evidence.

4. The learned Judge of Family Court, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has partly allowed the petition and directed the petitioner to pay monthly maintenance at Rs.3,000/- (Rupees Three Thousand only) to the first respondent and Rs.3,000/- (Rupees Three Thousand only) to the second



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respondent and Rs.9,000/- (Rupees Nine Thousand only) to the third respondent, totally Rs.15,000/- from the date of petition. Aggrieved by the said impugned order, the husband has now come forward with the present revision.

5. It is evident from the records that at the time of admitting the revision, this Court in Crl.MP(MD)No.2567 of 2020, dated 31.01.2025, while granting interim stay, directed the petitioner to deposit 50% of the arrears of maintenance amount as well as the monthly maintenance and adjourned the matter on 26.02.2025 for reporting compliance. Subsequently, at the request made by the learned counsel for the petitioner, the case was adjourned to 10.03.2025 for filing extension petition.

6. When the matter was taken up for hearing on 10.03.2025, the learned counsel for the petitioner would submit that they have not filed any application for extension of time and that they have not complied with the order of this Court and hence, the case was adjourned to 25.03.2025 and that on 25.03.2025 at the request of the learned counsel for the petitioner, the case was adjourned to 01.04.2025 for reporting compliance.



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7. When the matter is taken up for hearing (ie.,01.04.2025), the learned counsel for the petitioner would submit that the petitioner has not complied with the directions of this Court.

8. 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*



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



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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.”

9. 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.

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

01.04.2025

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

1.The Judge, Family Court, Karur.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.134 of 2025

Dated: 01.04.2025