



Crl.R.C.(MD)No.58 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.58 of 2025

and

Crl.M.P.(MD)No.734 of 2025

Maheshwaran

... Petitioner

Vs.

1.Kokila

2.Minor. Hari Krishna

*(2nd respondent/minor is represented by 1st
respondent/mother as his natural guardian)*

... Respondents

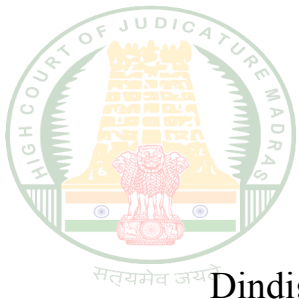
PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records of the learned Family Court Judge, Dindigul in M.C.No.44 of 2022 and set aside the order dated 30.04.2024.

For Petitioner : No appearance

For Respondents : Mr.M.Mithun

ORDER

This Criminal Revision is directed against the order passed in M.C.No.44 of 2022 dated 30.04.2024 on the file of the Family Court,



Crl.R.C.(MD)No.58 of 2025

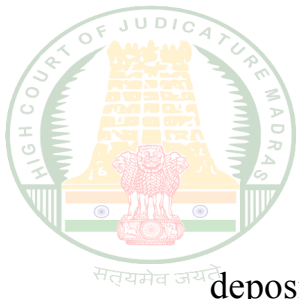
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Dindigul, directing the petitioner to pay monthly maintenance of Rs.4,000/- to the respondents from the date of petition.

2. Admittedly, the marriage between the petitioner and the first respondent was solemnized on 22.01.2018 and due to their wedlock, they were blessed with a son/second respondent herein. Subsequently, due to some misunderstandings, they are living separately.

3. The first respondent for herself and on behalf of her minor son has filed a petition under Section 125 Cr.P.C. claiming maintenance. The learned Judge of Family Court, Dindigul, after conducting enquiry, has passed the impugned order dated 30.04.2024 directing the petitioner to pay monthly maintenance of Rs.2,000/- to the first respondent from the date of petition and Rs.2,000/- to the second respondent from the date of petition till he attains majority. Aggrieved by the said impugned order, the present revision came to be filed.

4. It is evident from the records that this Court, while granting interim stay vide order dated 23.01.2025, directed the petitioner to



Crl.R.C.(MD)No.58 of 2025

WEB COPY

deposit 75% of the arrears of maintenance amount before the trial Court, on or before 24.02.2025, failing which, the interim stay granted shall stand automatically vacated and posted the matter on 25.02.2025 for reporting compliance and when the matter was taken up on 25.02.2025, at request of the learned counsel appearing for the petitioner, the matter was adjourned to 07.03.2025 and on 07.03.2025, since there was no representation for the petitioner, the matter was again adjourned to 20.03.2025. When the matter was taken up on 20.03.2025, the learned counsel appearing for the petitioner submitted that the petitioner will comply with the direction of this Court on the next day and hence, the matter was adjourned to 24.03.2025 and on 24.03.2025, the learned counsel appearing for the petitioner submitted that he is having Demand Draft for Rs.20,000/- but not towards the compliance of this Court direction and hence, this Court vacated the interim stay and adjourned the matter on 17.04.2025 for orders. When the matter is taken up today (17.04.2025), there is no representation for the petitioner.

5. The learned counsel appearing for the respondents would submit that the petitioner has not complied with the order of this Court so far.



Crl.R.C.(MD)No.58 of 2025

WEB COPY

6. It is not in dispute that the first respondent has filed a petition in H.M.O.P.No.13 of 2022 to dissolve the marriage solemnized between her and the petitioner before the Family Court, Dindigul, that the petitioner has filed a petition in H.M.O.P.No.61 of 2023 seeking restitution of conjugal rights before the Family Court, Dindigul and that the learned Judge has passed a common order dated 30.04.2024 allowing the petition filed by the first respondent and thereby dismissed the petition filed by the petitioner.

7. It is pertinent to note that maintenance case came to be filed in 2022 and the impugned order came to be passed on 30.04.2024.

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*



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Crl.R.C.(MD)No.58 of 2025

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.

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*



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Crl.R.C.(MD)No.58 of 2025

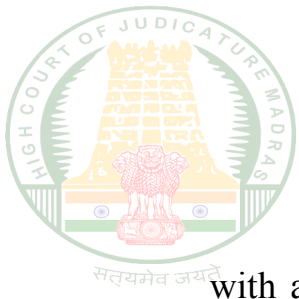
wife, and minor children.

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.*

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. The legal position above referred is squarely applicable to the case on hand. In the case on hand also, the petitioner, without complying



Crl.R.C.(MD)No.58 of 2025

WEB COPY

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.

10. As already pointed out, though this Court has directed the petitioner to deposit the 75% of the arrears amount on 24.02.2025, 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.

11. 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.

12. In the result, this Criminal Revision case stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

17.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD)No.58 of 2025

K.MURALI SHANKAR,J.

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To
1.The Judge,
Family Court,
Dindigul.

Order made in
Crl.R.C.(MD)No.58 of 2025
and
Crl.M.P.(MD)No.734 of 2025

Dated: 17.04.2025