



Crl.R.C.(MD)No.1257 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1257 of 2023

and

Crl.M.P(MD)No.15868 of 2023

Gopi

... Petitioner/Petitioner/
Respondent

Vs.

Nirmala

... Respondent/Respondent/
Petitioner

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in C.M.P.No.182 of 2023 in M.C.No.22 of 2023 dated 22.09.2023 on the file of the Family Court, Karur.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.R.Sakthivel

ORDER

Challenging the order passed by the learned Family Court, Karur in C.M.P.No.182 of 2023 in M.C.No.22 of 2023 dated 22.09.2023 , this criminal revision case is filed.



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2. The petitioner is the husband and the respondent is the wife in the maintenance case pending before the learned family Court, Karur. The petitioner who is the respondent in the maintenance case, had filed an application under Section 243(2) of the Code of Criminal Procedure to accept a document pertaining to his liability. However, the learned Family Judge carefully perusing the documents and materials on record, had dismissed the said application for the reason that the petitioner had not whispered anything about his liabilities in the counter and thereafter, only in the proof affidavit, he had pleaded the that he is suffering a liability to a tune of Rs.7,00,000/- and on that premise, had dismissed the said application. Challenging the same, this criminal revision case is filed.

3. The learned counsel for the petitioner submitted that the petitioner had borrowed a huge amount of Rs.7,00,000/- for the purpose of sister's marriage and hence, he is suffering penury to such an extent that he cannot pay maintenance to his wife at all and hence he is bound to mark those documents to establish before the learned Trial Court that he is suffering from heavy debt and pressed for allowing this case.



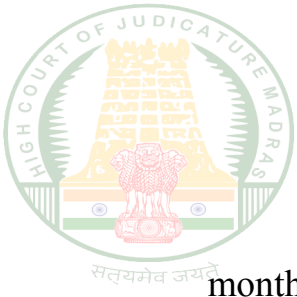
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4. Per contra, the learned counsel for the respondent categorically contended that there is no possibility at all for him to suffer any kind of financial constraints because he is employed in TNPL. He also pointed out that nothing in this regard has been mentioned either in the counter affidavit filed by him in the maintenance case or in the list of assets and liabilities which he had filed before the learned Family Court and pressed for dismissal of the this case.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and carefully perused the materials available on record.

6. Keenly taking into consideration the fact that the petitioner had failed to whisper anything about his liability in his counter affidavit and that he had also not mentioned the same in the list of assets and liabilities submitted before the learned Family Court, I do not find any infirmity in the impugned order passed by the learned Family Judge and hence, the criminal revision case is dismissed. The learned Family Court, Karur is directed to dispose of M.C.No.22 of 2023 within a period of three (3)



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months from the date of receipt of copy of this order.

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7. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected Miscellaneous Petition is closed.

23.07.2025

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

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To

1.The Family Court,
Karur.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.1257 of 2023

Dated: 23.07.2025