

Crl.R.C(MD)No.424 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.424 of 2025

and

CRL.MP(MD)No.4287 of 2025

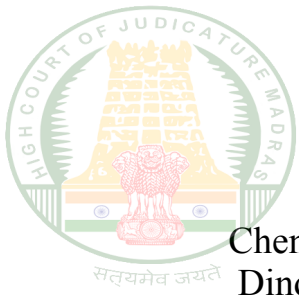
Rathinavel Subramaniyan,
S/o.Thirunavukarasu,
1/112A, Seran Nagar,
Chettinayakanpatti,
Dindigul East Taluk,
Dindigul District.

... Petitioner

vs.

1.Bhuavaneshwari,
W/o.Rathinavel Subramaniyan,
D/o.Manoharan,
Maharajanagar,
4th Cross Street,
Chennamanayakanpatti,
Dindigul East Taluk,
Dindigul.

2.Minor Hariharan,
S/o.Rathinavel Subramaniyan,
Maharajanagar,
4th Cross Street,



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Chennamanayakanpatti,
Dindigul East Taluk,
Dindigul.

3.Minor Jegan,
S/o.Rathinavel Subramaniyan,
Maharajanagar,
4th Cross Street,
Chennamanayakanpatti,
Dindigul East Taluk,
Dindigul.

... Respondents

(The 2nd and 3rd respondents are minors represented by their mother and natural guardian, the 1st respondent)

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order, dated 22.12.2023 made in M.C.No.39 of 2022 on the file of the Family Court, Dindigul.

For Petitioner :Mr.P.Manikandan
For Respondent :Mr.B.N.Raja Mohamed

ORDER

Heard Mr.P.Manikandan, learned counsel for the Petitioner and
Mr.B.N.Raja Mohamed, learned counsel for the Respondents.



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2. This Criminal Revision Petition has been filed by the petitioner against the impugned judgement and order dated 22.12.2023 passed by Family Court, Dindigul District in M.C.No.39 of 2022 by which the Respondent No.1 was awarded Rs.2,000/-per month and Respondent Nos.2 and 3 were awarded Rs.2,500/- each, i.e., totally Rs.7,000/- per month to the Respondents, as maintenance allowance.

3. Mr.P.Manikandan, learned counsel for the Petitioner submits that the Petitioner and the 1st Respondent are husband and wife. The Respondents 2 and 3 are their children. The marriage between the Petitioner and the 1st Respondent was solemnized on 07.06.2006. Due to difference of opinion, they are living separately and the 1st Respondent has filed a petition in M.C.No.39 of 2022 under Section 125 of Cr.P.C before the Family Court, Dindigul seeking maintenance and the Family Court vide order dated 22.12.2023 awarded Rs.2,000/- as monthly maintenance to the 1st Respondent and Rs.2,500/- each to the Respondents 2 and 3.



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4. The learned counsel for the Petitioner further submits that the Petitioner, who is working as a Progithar, is receiving only a meagre salary and is, therefore, unable to pay a total of Rs.7,000/- per month towards maintenance to the Respondents. He further submits that the Family Court failed to consider that the Respondent No.1 (wife) is residing separately from the Petitioner without any just or reasonable cause, and as such, she is not entitled to claim maintenance from the Petitioner. The Family Court after recording the statements of the contesting parties, without properly appreciating the facts and evidence available on record, partly allowed the application filed by Respondent No.1 and awarded a sum of Rs.2,000/- per month, as maintenance to the 1st Respondent. Additionally, the Respondent No.2 and 3, who are the children, were awarded maintenance of Rs. 2,500/- each per month.

5. Per contra, Mr.B.N.Raja Mohamed, learned counsel for the Respondents submitted that the Family Court has passed the impugned order after duly considering the facts and circumstances of the case, as well as the statements of both the Petitioner and Respondent No.1. It is



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contended that, in such circumstances, and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

6. I have considered the submission of the learned counsel for the parties and also perused the record.

7. The learned counsel for the Petitioner has not been able to point out any such illegality or impropriety or incorrectness in the impugned order which may persuade this Court to interfere in the same. The amount fixed for maintenance was Rs. 2000/- for the Respondent No.1 and Rs.2500/- each for the Respondent Nos.2 & 3 which, in the present days of rising prices and high cost of living, cannot be considered excessive or disproportionate. The provisions of [Section 125](#) of Cr.P.C are beneficial provisions, which are enacted to stop the vagrancy of a destitute wife and provide some succour to them, who are entitled to get the maintenance which cannot be denied. The fact that the Petitioner is



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the husband of Respondent No.1 and also the father of Respondent Nos.

2 & 3, has not been denied.

8. In such circumstances to meet the ends of justice, the impugned order does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of court's process.

9. In view of the above, the Criminal Revision Petition lacks merit and stands **dismissed**. Consequently, connected miscellaneous petition is closed.

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

02.09.2025

Nsr

To:

- 1.The Judge, Family Court, Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
CrI.R.C(MD)No.424 of 2025

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