



CRL.R.C.(MD)No.1358 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.10.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.1358 of 2025

Kumar,
S/o.Karuppaiah,
No.26, Madurai Road,
Kaliyarkovil, Sivaganga Taluk and District. ... Petitioner

vs.

1.Selvamani,
D/o.Arumugam,

2.Suruthi,
D/o.Kumar,

both Nos.1 and 2 residing at
No.5, Sivasakthi Bavan,
Taluk Office Road,
Subramaniyapuram West Street,
Karaikudi Town, Sivagangai District. ... Respondents

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the impugned order, dated 14.08.2025 in CrI.M.P.No.5859 of 2024 in M.C.No.12 of 2010 on the file of the Judicial Magistrate, Karaikudi.

For Petitioner :Mr.P.T.Kannan



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ORDER

This Criminal Revision Petition is directed against the impugned order, dated 14.08.2025, passed in Crl.M.P.No.5859 of 2024 in M.C.No. 12 of 2010 on the file of the Judicial Magistrate Court, Karaikudi, by which, the first respondent/wife was awarded Rs.1,000/- per month and the second respondent/daughter was awarded Rs.2,500/- per month towards maintenance, in total a sum of Rs.3,500/- per month.

2.Heard Mr.P.T.Kannan, learned counsel for the petitioner.

3.The facts of the case, which led to filing of the Criminal Revision Case bearing Crl.R.C.(MD) No.1358 of 2025, are as follows:-

i) The petitioner and the first respondent are the husband and wife. The marriage between the petitioner and the first respondent was solemnized on 03.06.2001, according to Hindu Rites and Customs and out of their wedlock, they were blessed with a baby girl, namely, Suruthi, who has been arrayed as second respondent in this petition. The first respondent has filed a petition in HMOP.No.41 of 2004 on the file of the



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Sub Court, Sivagangai, seeking divorce and on 24.07.2010, a decree of divorce has been granted. Thereafter, the respondents have filed a petition against the petitioner in M.C.No.12 of 2010 under Section 125 of Cr.P.C before the Judicial Magistrate Court, Karaikudi, seeking maintenance and the learned Judicial Magistrate, Karaikudi, vide judgment, dated 04.03.2011, awarded a sum of Rs.2,000/- per month to each of the respondents, towards maintenance, in total a sum of Rs.4,000/- per month.

ii) Challenging the order made in M.C.No.12 of 2010 dated 04.03.2011, the petitioner has preferred a Revision bearing Cr.R.P.No.10 of 2011 before the Sessions Court, Sivagangai and the learned Sessions Judge, Sivagangai, vide order dated 26.04.2016, had partly allowed the Revision and modified the maintenance amount, directing the petitioner to pay a sum of Rs.1,000/- per month to the first respondent and a sum of Rs.2,500/- per month to the second respondent. However, the petitioner has failed to make compliance of the order made in Cr.R.P.No.10 of 2011, dated 26.04.2016, on the file of the Sessions Court, Sivagangai. Thus, the respondents have filed a petition in CrI.M.P.No.5859 of 2024 under Section 128 of the Cr.P.C., before the Judicial Magistrate Court,



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Karaikudi, seeking enforcement of the order dated 26.04.2016. The learned Judicial Magistrate, Karaikudi, vide order dated 14.08.2025, had allowed the said petition, directing the petitioner to pay a sum of Rs. 1,000/- per month to the first respondent and a sum of Rs.2,500/- per month to the second respondent towards maintenance, in total a sum of Rs.3,500/- per month, and to pay the entire arrear amount to the respondents within 40 days. Challenging the same, the present Criminal Revision Case is filed.

4.The learned Counsel for the petitioner submits that the petitioner is receiving only a meager salary and is, therefore, unable to pay a sum of Rs.3,500/- per month towards maintenance to the respondents. It was further submitted that the first respondent is running a Beauty Parlour and has sufficient means to support herself as well as the second respondent and as such, she is not entitled to claim maintenance from the petitioner. The learned Judicial Magistrate, Karaikudi, after recording the statements of the contesting parties, without properly appreciating the facts and evidence available on record, erroneously allowed the application filed by the respondents in Crl.M.P.No.5859 of 2024, seeking



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enforcement of the order made in Cr.R.P.No.10 of 2011, dated 26.04.2016, on the file of the Sessions Court, Sivagangai, by which, the first respondent/wife was awarded Rs.1,000/- per month and the second respondent/daughter was awarded Rs.2,500/- per month towards maintenance, in total a sum of Rs.3,500/- per month.

5.I have considered the submission of the learned counsel for the petitioner and also perused the record.

6.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.3,500/- per month to the respondents, 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



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denied. The fact that the petitioner is the husband of the first respondent, has not been denied.

7.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.

8.In view of the above, the Criminal Revision Petition lacks merit and stands dismissed and the learned Judicial Magistrate, Karaikudi, is directed to proceed the matter in accordance with law for recovery of the arrears amount and pay the same to the respondents.

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

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To
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- 1.The Judicial Magistrate, Karaikudi
- 2.The Subordinate Judge, Sivagangai
- 3.The Sessions Judge, Sivagangai



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SHAMIM AHMED, J.

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