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Crl.RC.No.1204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1204 of 2022
and
Crl.MP.No.13220 of 2022

J.Leo Praveen Kumar

... Petitioner

Vs.

1.S.P.Carol Navamani

2.Minor.Ivana Leo

(Rep by her mother and Natural Guardian Carol Navamani -
the 1st respondent)

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order in M.C.No.377/16 dated 23/08/2021 on the file of IV Additional Family Court at Chennai.

For Petitioner : Mr.R.Ganesh Kumar
for Mr.C.Jayavel

For Respondent : Mr.P.Kalaivanan

ORDER

The petitioner/respondent in M.C.No.377 of 2016 filed this petition challenging the order passed on 23.08.2021 passed by the learned IV



Crl.RC.No.1204 of 2022

Additional Principal Judge, IV Additional Family Court, Chennai.

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2.The petitioner is the estranged husband of the first respondent and the father of the second respondent. The petitioner and the first respondent got married on 11.06.2012 and they started living in the parent's house of the petitioner in Mumbai from 23.06.2012. At that time, the petitioner was employed in Kuwait and hence he left to Kuwait. In the meantime, the second respondent was born to them on 04.03.2013. Thereafter, the petitioner made visa arrangements for both his wife and daughter, took them to Kuwait where there was misunderstanding between them and immediately on the next day of landing in Kuwait, they flew back to India. There was no good relationship between the petitioner and the first respondent and they got separated. In the meanwhile, the first respondent lodged a complaint for dowry harassment and a case is pending in C.C.No.216 of 2017 before the Judicial Magistrate Court No.I, Thiruvallur.

3. The petitioner had filed a petition for divorce in I.D.O.P.No.174 of 2016 which is pending before the IV Additional Family Court, Chennai. The first respondent filed a petition for restitution of conjugal rights in I.D.O.P.No.2781 of 2016 before the Principal family Court,

Page 2 of 8



Crl.RC.No.1204 of 2022

Chennai. Further, the petitioner apprehending arrest on the complaint under Section 498A IPC filed an anticipatory bail application before this Court in Crl.O.P.No.2061 of 2020 and this Court by order dated 06.11.2015 granted anticipatory bail and one of the condition was that the petitioner to pay a sum of Rs.10,000/- every month as maintenance for his wife and daughter which the petitioner is complying with.

4.The first respondent filed a domestic violence case in DVC.No.29 of 2022 in which the first respondent examined herself as PW1 and marked Ex.P1 to Ex.P10. The petitioner examined himself as RW1 and marked Ex.R1 to Ex.R13. Considering the evidence and materials, the Lower Court allowed the case by granting residential and protection order. Aggrieved against the residential and protection order passed in DVC.No.29 of 2022 on 01.08.2022, the petitioner filed a modification petition in Crl.M.P.No.6977 of 2022. The Additional Mahila Court, Tiruvallur by order dated 29.09.2022 dismissed the same.

5. The first respondent herein filed a petition in Crl.M.P.No.9009 of 2022 stating that the residential order could not be enforced since the house was found locked. The Additional Mahila Court, Tiruvallur allowed the same and ordered police protection. Aggrieved the same, the

Page 3 of 8



Crl.RC.No.1204 of 2022

petitioner preferred an appeal before the Sessions Court in Crl.A.No.115 of 2022. The learned I Additional District and Sessions Judge, Tiruvallur by judgment dated 02.01.2024 dismissed the appeal. Against which, the petitioner preferred a Civil Revision Petition before this Court. Likewise the first respondent obtained an order in his favour in the petition filed for restitution of conjugal rights but thereafter nothing happened. Further the petition filed by the petitioner seeking divorce was dismissed for default. The criminal case filed for dowry harassment is also pending.

6.The above narration is needed to know the background of the acrimonious situation between the petitioner and the first respondent. It is admitted that the marriage between the petitioner and the respondent took place in the year 2012, the child was born to them in the year 2013 and from the year 2015, they were living separately and there are litigations pending between them. In this background, the order passed in the maintenance case is being challenged

7.The respondents herein filed a petition in M.C.No.377 of 2016 seeking maintenance amount of Rs.25,000/- for the first respondent and another Rs.25,000/- for the second respondent, totalling Rs.50,000/- per month. The first respondent examined herself as PW1 and marked Ex.P1



Crl.RC.No.1204 of 2022

to Ex.P12. The petitioner examined himself as RW1 and marked Ex.R1 to Ex.R24. After a full-fledged trial, considering the evidence and materials, the Lower Court directed the petitioner to pay Rs.12,000/- per month to the first respondent and another Rs.12,000/- per month to the second respondent, totalling Rs.24,000/- per month from the date of the petition i.e., 02.11.2015.

8. On perusal of the impugned order, it is found that the petitioner/ the husband of the first respondent admitted that he is having freelance business consultancy service. Therefore, he is having capacity for giving maintenance to the respondents. Further, before the trial court, the first respondent produced her medical report for proving her medical expenses as she was suffering from brain tumor. As such, considering those aspects, the trial court rightly ordered maintenance of Rs.12,000/- per month to each of the respondents. However, now it is the case of the petitioner that he is not able to secure regular employment for paying Rs.24,000/- per month to the respondents. Therefore, considering the same, this Court is inclined to reduce the quantum of maintenance.

9. Accordingly, the quantum of monthly maintenance, as fixed in the impugned order, is reduced to Rs.9,000/- to each of the respondents.



Crl.RC.No.1204 of 2022

The remaining portion of the impugned order shall remain intact. As such, this criminal revision case stands partly allowed. Consequently, connected miscellaneous petition is closed.

21.04.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.RC.No.1204 of 2022

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IV Additional Family Court at Chennai



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Crl.RC.No.1204 of 2022

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Crl.RC.No.1204 of 2022

21.04.2026