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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1317 of 2026

and

CRL MP No.11166 of 2026

CNR: {HCMA011193152026}

Case QR

N.Yuthistran
S/o.Mr.Nagaraj,
Permanent Address at
17/1, 6/1 Singara Garden 3rd street,
Old Washermenpet,
Chennai-600 021
Presently at
5 She Oak Place,
Albion Park Rail,
NSW 2527,
Sydney,
Australia.

..Petitioner(s)

Vs

1. T.Saranya
   W/o.Yuthistran,
   No.36/42, Ekambaram Street,
   Korukkupet,
   Chennai-600 021.
2. Hadvik Pranav
   S/o.Yuthistran,
   Rep.by his Mother, the 1st respondent,
   No.36/42, Ekambaram Street,
   Korukkupet,
   Chennai-600 021.

..Respondent(s)

Prayer: To set aside the order dated 07.02.2026 passed in MC.No.103/2020 by the II Additional Principal Judge, II Additional Family Court, Chennai.

For Petitioner(s): Mr. M.Simon
For Respondent(s): Mr. M.K.Bhoopathy Rajan

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ORDER

The present Criminal Revision Case has been filed challenging the order dated 07.02.2026 passed in M.C. No.103 of 2020 by the learned II Additional Principal Judge, II Additional Family Court, Chennai, directing the petitioner herein to pay a sum of ₹10,000/- each per month to the respondents, totalling ₹20,000/- per month, towards maintenance.

2.The case of the respondents before the learned Family Court is that the marriage between the petitioner and the first respondent was solemnised on 10.09.2017 at V.P.M.A. Captain Mahal, Tondiarpet, Chennai, as per the customary rites and ceremonies. Out of the wedlock, they were blessed with a male child. According to the first respondent, after the marriage, she was subjected to mental and physical harassment at the hands of the petitioner and his mother. It is further alleged that the petitioner was addicted to alcohol, demanded dowry and failed to discharge his marital obligations. On 31.05.2018, the first respondent went to her parental home for the birth of the child, but thereafter, the petitioner failed to take her back to the matrimonial home and avoided communication with her.

3.It is the further case of the respondents that, despite attempts made through the police authorities for reunion, the petitioner did not come forward to resume matrimonial life. The first respondent also alleged that the petitioner had

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initiated divorce proceedings and had retained the household articles belonging to her. According to her, the petitioner was employed in a leading software company, earning approximately ₹70,000/- per month, apart from receiving rental income of approximately ₹3,00,000/- per month. Since the petitioner failed to maintain the respondents, the first respondent, for herself and on behalf of the minor child, instituted the maintenance proceedings under Section 125 of the Code of Criminal Procedure, seeking maintenance of ₹25,000/- each per month.

4.Resisting the said petition, the petitioner filed a counter affidavit denying the allegations of cruelty, dowry demand and desertion. It was his specific contention that the first respondent had voluntarily left the matrimonial home without any sufficient cause and had taken away her belongings, including her gold ornaments. He further contended that the first respondent was educated and employed and that he was not earning a stable income. According to him, his take-home salary was considerably reduced and he was also required to take care of his aged parents. He therefore sought dismissal of the maintenance petition.

5.Before the learned Family Court, the first respondent was examined as P.W.1 and documents were marked as Exs.P1 to P5. She was also subjected to cross-examination. On the side of the petitioner, he examined himself as R.W.1

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and marked Exs.R1 and R2, which included his salary slips and resignation letters. Upon consideration of the pleadings, oral evidence and documentary evidence adduced by the parties, the learned Family Court passed the impugned order dated 07.02.2026, directing the petitioner to pay maintenance at the rate of ₹10,000/- per month to each of the respondents from the date of filing of the maintenance petition.

6.Aggrieved by the said order, the petitioner has preferred the present revision petition, contending, inter alia, that the learned Family Court failed to properly appreciate the evidence, that the first respondent had deserted him without sufficient cause, that his actual financial capacity was not properly assessed and that the quantum of maintenance fixed by the learned Family Court was excessive and disproportionate.

7.This Court has considered the grounds raised in the revision petition and the materials available on record. It is to be observed that the object of the proceedings under Section 125 Cr.P.C. is to prevent destitution and vagrancy and to provide a measure of financial support to persons who are unable to maintain themselves. The provision is essentially a measure of social justice intended to protect the wife and minor children from being left without the means of sustenance.

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8.In the present case, the relationship between the parties and the paternity of the minor child are not in dispute. The petitioner has not disputed his obligation to maintain his minor child. His principal objection is with regard to the entitlement of the first respondent and the quantum of maintenance awarded by the learned Family Court. However, the allegations of voluntary desertion and the other matrimonial disputes raised by the petitioner have to be considered in the light of the evidence available on record. Mere denial of the allegations made by the first respondent would not, by itself, be sufficient to dislodge the findings recorded by the learned Family Court.

9.It is also relevant to note that the first respondent had entered the witness box and was subjected to cross-examination. The petitioner was also afforded an opportunity to adduce his evidence and mark documents in support of his defence. Therefore, it cannot be contended that the impugned order was passed without affording the petitioner an opportunity to place his case before the learned Family Court.

10.As regards the income of the petitioner, the mere production of salary slips and resignation letters would not, by itself, establish that the petitioner has no means to maintain the respondents. The obligation to maintain the wife and minor child cannot be avoided merely by referring to fluctuations in employment or financial difficulties, particularly in the absence of convincing

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material establishing a complete inability to provide maintenance. The learned Family Court, having considered the materials placed before it, has fixed the monthly maintenance at ₹10,000/- each. This Court does not find any sufficient material to conclude that the amount so awarded is arbitrary or disproportionate. Further, the petitioner has not been able to demonstrate any patent illegality, perversity or material irregularity in the appreciation of evidence by the learned Family Court warranting interference in the exercise of revisional jurisdiction. The grounds raised in the revision petition are, in substance, an attempt to seek a fresh appreciation of the factual aspects already considered by the learned Family Court. In the absence of any compelling reason, this Court is not inclined to interfere with the impugned order.

11.At this juncture, it is also relevant to consider the subsequent developments in the present proceedings. When the matter was taken up earlier on 13.10.2026, learned counsel appearing for the petitioner submitted that the total arrears of maintenance, calculated from the date of filing of the maintenance petition in the year 2020 up to October 2026, amounted to approximately ₹7,00,000/-. Out of the said amount, the petitioner had paid only a sum of ₹2,40,000/-. It was further submitted that there had been a default in payment of the second instalment and that the petitioner required further time to clear the remaining arrears.

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12.Considering the request made on behalf of the petitioner and the submission of the learned counsel for the respondents that there was no objection to granting further time, this Court, vide order dated 13.10.2026, granted the petitioner an opportunity to pay the remaining arrears in two equal instalments. The first instalment was directed to be paid on or before 30.10.2026 and the second instalment on or before 30.11.2026. This Court had also specifically made it clear that, in the event of non-compliance with the directions, the matter would be taken up for final disposal on the next date of hearing without granting any further time to the petitioner.

13.However, when the matter is taken up today, learned counsel appearing for the petitioner fairly submits that the petitioner has not complied with the directions issued by this Court and that he is not in a position to comply with the same. Thus, despite having been granted sufficient opportunity and further indulgence by this Court, the petitioner has failed to make the payment in accordance with the schedule specifically fixed by this Court.

14.This Court is of the considered view that maintenance is not a mere monetary liability but a statutory obligation intended to secure the basic necessities of life of the wife and minor child. The respondents have been pursuing the maintenance proceedings since the year 2020. The petitioner, having been directed to pay maintenance by the learned Family Court, cannot

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indefinitely postpone compliance by seeking repeated extensions of time, particularly when the beneficiaries of the order are his wife and minor child.

15.The conduct of the petitioner in failing to comply with the earlier directions of this Court, coupled with the submission that he is not in a position to make the payment even within the extended time granted, does not warrant any further indulgence. The respondents cannot be made to suffer indefinitely on account of the petitioner's failure to discharge his statutory obligation. This Court, therefore, finds that no further purpose would be served by keeping the present revision petition pending.

16.In view of the foregoing discussion, this Court finds no merit in the grounds raised by the petitioner and no justification to interfere with the order passed by the learned II Additional Principal Judge, II Additional Family Court, Chennai. The revision petition is liable to be dismissed.

17.Accordingly, the Criminal Revision Case stands **dismissed**. The order dated 07.02.2026 passed in M.C. No.103 of 2020 by the learned II Additional Principal Judge, II Additional Family Court, Chennai, is hereby **confirmed**.

18.The learned II Additional Principal Judge, II Additional Family Court, Chennai, is directed to ascertain the entire arrears of maintenance payable by

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the petitioner to the respondents from the date of filing of the maintenance petition, after giving due credit to the sum of ₹2,40,000/- stated to have already been paid and any other subsequent payments, if any, made by the petitioner. The learned Family Court shall thereafter take appropriate steps, in accordance with law, for recovery of the entire outstanding arrears from the petitioner and for disbursement of the recovered amount to the respondents. The said exercise shall be undertaken expeditiously, keeping in view the fact that the maintenance is intended for the sustenance of the respondents, including the minor child.

19.The Registry of this Court is directed to communicate a copy of this order to the learned II Additional Principal Judge, II Additional Family Court, Chennai, for information and necessary action.

20.Consequently, connected miscellaneous petition is closed. No costs.

05-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The II Additional Principal Judge, II Additional Family Court, Chennai.

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SHAMIM AHMED, J.

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