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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 16849 of 2026

CNR:{HCMA011388832026}

AND

CRL MP NO. 11177 OF 2026

B.Jayachandran
S/o.late.Balaraman,
Plot No.31, Deracon Residency,
Kithanahalli main road,
Bommachandra post,
Bangalore-99.

..Petitioner(s)

Vs

S.Thilagavathi
D/o.Sowrirajan,
Odayanandal Village,
Thirunavalur Post,
Ulundurpet Taluk,
Kallakurichi district.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the order dated 22.04.2026 made in Crl.R.P.No.14 of 2025 on the file of the learned Principal District and Sessions Court, Kallakurichi reversal of the order dated 02.04.2024 made in MC.No.1 of 2021 on the file of the learned Additional District Munsif court (Judicial Magistrate No.II, Full Addl.Charge), Ulundurpet by allowing this criminal original petition.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.M.Nalla Thambi

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This Criminal Original Petition has been filed seeking to set aside the order dated 22.04.2026 passed in Crl. R.P. No. 14 of 2025 by the learned Principal District and Sessions Court, Kallakurichi, thereby reversing the order dated 02.04.2024 passed in M.C. No. 1 of 2021 by the learned Additional District Munsif Court (Judicial Magistrate No. II, Additional Charge), Ulundurpet.

2.The petitioner married the respondent herein on 23.08.2009 at Sri Ranganathaswamy Neer Vanna Perumal Temple, Thiruneermalai. Out of the wedlock, they were blessed with a son on 13.04.2011. Subsequently, the respondent allegedly deserted the petitioner and abandoned her matrimonial obligations. The petitioner was employed as an electrician on a ship and resigned from his job due to health issues. Upon returning home, he found that the respondent and their minor son were missing and that the respondent had taken her educational certificates, jewels and clothes. Despite several attempts to contact the respondent over the phone, she did not respond. Consequently, the petitioner lodged a police complaint on 14.04.2018 before the Station House Officer, Suryanagara Police Station, Chandapura, Bengaluru. Thereafter, the petitioner filed a petition seeking dissolution of marriage on the ground of

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desertion in M.C. No. 5025 of 2019 before the learned III Additional District and Sessions Court, Bengaluru. Though notice was duly served on the respondent, she failed to appear before the Court and was set ex parte. Accordingly, an ex parte decree of divorce was passed on 01.02.2020. Subsequently, the respondent filed a petition under Section 125 of the Code of Criminal Procedure, 1973, in M.C. No. 1 of 2021 before the learned Additional District Munsif Court (Judicial Magistrate No. II, Full Additional Charge), Ulundurpet, seeking monthly maintenance of Rs.20,000/- for the minor son and Rs.10,000/- for herself.

3.Upon completion of the trial, the trial Court, by order dated 02.04.2024, awarded maintenance of Rs.30,000/- per month to the minor son but declined to grant maintenance to the respondent on the ground that she had voluntarily deserted the petitioner. Aggrieved by the said order, the respondent preferred Crl. R.P. No. 14 of 2025 before the learned Principal District and Sessions Court, Kallakurichi. By order dated 22.04.2026, the revisional Court set aside the order of the trial Court and directed the petitioner to pay maintenance of Rs.3,000/- per month to the respondent. In the meantime, the respondent filed a petition in Misc. No. 5001 of 2022 before the learned III Additional District and Sessions Court, Bengaluru, seeking to set aside the ex parte decree of divorce. The said petition was dismissed by order dated 29.11.2025. The petitioner further contends that, after the expiry of the period prescribed for filing an

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appeal against the decree of divorce, he contracted a second marriage. The learned Judicial Magistrate No. II, Ulundurpet, had declined to grant maintenance to the respondent on the ground that she had deserted the petitioner and was, therefore, disentitled to maintenance under Section 125(4) of the Code of Criminal Procedure, 1973.

4.The learned counsel appearing for the petitioner contends that the decree of divorce was also granted on the ground of desertion and that the revisional Court failed to consider these material circumstances while directing him to pay maintenance of Rs.3,000/- per month to the respondent.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.Upon consideration of the facts and circumstances of the case, this Court finds that the revisional Court's order dated 22.04.2026 in Crl. R.P. No. 14 of 2025 warrants interference and cannot be sustained.

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7.Accordingly, the order dated 22.04.2026 passed by the learned Principal District and Sessions Court, Kallakurichi, in Crl.R.P. No. 14 of 2025 is set aside, and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

27-10-2026

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

To

1.The Principal District and Sessions Court,
Kallakurichi.

2.The Additional District Munsif Court,
(Judicial Magistrate No. II, Additional Charge),
Ulundurpet.

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G.K.ILANTHIRAIYAN J.

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