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C.R.P. NO.4236 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 09 / 12 / 2025

ORDER PRONOUNCED ON : 01 / 04 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CIVIL REVISION PETITION NO.4236 OF 2023

AND

C.M.P. NO.25793 OF 2023

A.Parameswaran
S/o.V.Alagesan
No.110/186, Thiruporur Salai,
Nehru Nagar, Vallam Post,
Chengalpattu – 603 001.

... Petitioner / Petitioner /
Respondent / Petitioner

Versus

P.Vaijayanthimala
W/o. A.Parameswaran
No.37, 1st Floor, R.V.Street,
Opposite to Rajeswari Vedachalam
Government Arts College
Chengalpattu – 603 001.

... Respondent / Respondent /
Petitioner / Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, 1950 praying to set aside Order of dismissal dated August 18, 2023 passed in F.C.I.A.No.5 of 2023 in F.C.I.A.No.3 of 2022 in F.C.O.P.No.396 of 2021 by the Family Court, Chengalpattu and allow the said Application before the Family Court, Chengalpattu.



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For Petitioner : Mr.S.Diraviam Dinesh
For Respondent : Served – No appearance

ORDER

This Civil Revision Petition is under Article 227 of the Constitution of India, 1950. The revision petitioner herein had filed an Interlocutory Application in F.C.I.A. No.5 of 2023 in F.C.I.A. No.3 of 2022 in F.C.O.P. No.396 of 2021. The prayer was to initiate action / proceedings under Section 340 read with Section 195 of 'the Code of Criminal Procedure, 1973' ['Cr.P.C.' for short] against the respondent herein, who is the wife of the revision petitioner. Challenge in this Civil Revision Petition is to the dismissal Order dated August 18, 2023 passed by 'the Family Court, Chengalpet, Chengalpet District' ['Family Court' for convenience] in F.C.I.A. No.5 of 2023 filed by the revision petitioner herein

2. The revision petitioner herein filed F.C.O.P. No.396 of 2021 under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage solemnized between him / husband and the respondent / wife on October 26, 2020 at Chengalpattu on the grounds of cruelty. In the said Original Petition, the respondent / wife filed an Interlocutory Application in F.C.I.A. No.3 of 2022 under Section 24 of the Hindu Marriage Act,



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1955, seeking interim maintenance of Rs.35,000/- per month, Rs.25,000/- towards litigation expenses and Rs.20,000/- per annum towards clothing and medical expenses. The respondent also filed an affidavit of assets and liabilities, income and expenditure, in compliance with the directions issued by the Hon'ble Supreme Court in ***Rajnish -vs- Neha***, reported in ***(2021) 2 SCC 324***.

3. In the said affidavit, the respondent/wife has stated that she incurs a sum of Rs.50,000/- approximately per month towards her general expenses. She has further disclosed that she incurs approximately Rs.30,000/- per month on account of her dependents. She has also enclosed copies of her bank statements for the preceding three years. Further, she has stated that she has no independent income and no liabilities to any third parties. Further, she has furnished particulars relating to her educational qualifications.

4. The revision petitioner has also filed his affidavit of assets and liabilities. As per the same, his educational qualifications are B.Tech. and M.B.A., and his professional qualification is that of an Engineer. He is presently employed as a News Reader-cum-Journalist. He has disclosed his gross monthly income as Rs.69,800/- from his employment as a News



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Reader-cum-Journalist. He has also furnished particulars of his personal loan, business loan, and other liabilities.

5. Based on the affidavits of assets and liabilities filed by both parties, the Family Court conducted enquiry. During the course of such enquiry, the Family Court found that a sum of Rs.1,04,000/- had been deposited in the account maintained with Jana Small Finance Bank in the name of the respondent. The Family Court further observed that the bald plea that the respondent had deposited certain amounts in her bank account and was allegedly engaged in the business of advancing hand loans and earning interest therefrom, could not be accepted in the absence of any supporting material. Upon such observation, the Family Court concluded that the said amount could not be treated as proof of independent income of the respondent. Upon consideration of the materials available on record and after hearing both sides, the Family Court awarded a sum of Rs.8,000/- per month to the respondent/wife as interim maintenance.

6. Thereafter, the petitioner filed an Interlocutory Application in F.C.I.A. No.5 of 2023 in F.C.I.A. No.3 of 2022 in F.C.O.P. No.396 of 2021, contending that the respondent/wife had filed a false affidavit and had suppressed certain material particulars which she was bound to disclose



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before the Family Court. The Family Court, upon conducting enquiry, came to the conclusion that the revision petitioner had not made out a case for initiating proceedings under Section 340 read with Section 195 of Cr.P.C. The Family Court further observed that proceedings under the said provisions cannot be initiated at the instance of a party to settle personal scores or to wreak vengeance against the opposite party. The Family Court also held that mere non-disclosure of certain particulars in the statement of assets and liabilities would not, by itself, amount to perjury. In view of the above findings, the Family Court dismissed the said Interlocutory Application.

7. Feeling aggrieved, the revision petitioner / husband has filed this Civil Revision Petition.

8. In this Civil Revision Petition, though notice was served, the respondent did not choose to appear and contest.

9. Mr.S.Diraviam Dinesh, learned counsel appearing for the revision petitioner, would submit that the respondent/wife had suppressed several material facts in her affidavit of assets and liabilities and has also withheld certain documents which she was bound to disclose before the Court. He



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would further contend that a sum of Rs.1,04,000/- was deposited in a finance company, and that the said fact was deliberately suppressed by the respondent/wife. The learned counsel would also submit that the particulars furnished in the affidavit of assets and liabilities are false and that, despite having full knowledge of such falsity, the respondent/wife had filed the petition with an intention to obtain a favourable order from the Court. According to him, such conduct on the part of the respondent/wife would amount to offences affecting the administration of justice including offences relating to documents and evidence, and thus, attracts the provisions of Section 340 read with Section 195 of Cr.P.C. In support of his submissions, the learned Counsel for the revision petitioner relied on (i) Santokh Singh -vs- Izhar Hussain, reported in AIR 1973 SC 2190; (ii) M.S.Ahlawat -vs- State of Haryana, reported in AIR 2000 SC 168; (iii) J.Samuel -vs- Gattu Mahesh, reported in 2012 AIR SCW 1035; and (iv) Sh. Narendra Kumar Srivastava -vs- State of Bihar, reported in AIR 2019 SC 2675.

10. This Court has considered the submissions of the learned Counsel for the revision petitioner and perused the materials available on record.



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11. It is settled law that proceedings under Section 340 of Cr.P.C., may be initiated either upon an application filed by a party or *suo motu* by the Court. In the present case, affidavits of assets and liabilities have been filed by the parties in compliance with the directions issued by the Hon'ble Supreme Court in ***Rajnish's Case*** (cited *supra*). The object of filing such affidavits is to enable the Court to arrive at a just and proper determination of interim maintenance. In such proceedings, the parties are expected to make full and true disclosure of all relevant facts in their affidavits of assets and liabilities. If any party suppresses material facts or knowingly makes false statements in such affidavit with the intention of obtaining a favourable order of interim maintenance, the same would amount to abuse of the process of Court.

12. In ***Rajnish's Case*** (cited *supra*), the Hon'ble Supreme Court has taken note of instances where parties have suppressed material particulars or filed false affidavits. In such circumstances, it is open to the Court to initiate proceedings under Section 340 read with Section 195 of Cr.P.C., 1973, either *suo motu* or upon an application made by a party, if a *prima facie* case is made out.



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13. In the present case, the Family Court found that a sum of Rs.1,04,000/- was standing in the name of the respondent/wife based on the document filed by the petitioner / husband. The Family Court further observed that the said amount might have been deposited by the revision petitioner/husband. The averments made by the revision petitioner are general and vague in nature. He has not made any specific averments as to what was suppressed by the respondent. The revision petitioner has made a bald averment that the respondent has suppressed material facts without stating the specific facts or at least the nature of facts that were suppressed. Merely because certain statements made in the affidavit have not been substantiated by the wife or the husband, as the case may be, the same cannot as such be construed as perjury. \In the facts and circumstances of this case, when there is no material to establish that the respondent/wife had wilfully suppressed facts or deliberately withheld material information, no *prima facie* case is made out for initiating proceedings under Section 340 of Cr.P.C.

14. Considering the cumulative facts and circumstances of the case, this Court is of the view that the petitioner has not made out any case for initiating proceedings under Section 340 read with Section 195 of Cr.P.C.



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The Family Court, upon due consideration of the materials available on record, has rightly dismissed the Interlocutory Application in I.A. No.5 of 2023. This Court finds no irregularity or illegality in the said order. This Civil Revision Petition is devoid of merits and is liable to be dismissed. Further, the case laws relied upon by the learned counsel for the petitioner are not applicable to the facts and circumstances of the present case.

15. In fine, the Civil Revision Petition is dismissed. Considering the facts and circumstances, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes
Neutral Citation : Yes
Speaking Order : Yes
TK

To

The Family Court
Chengalpet.



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R. SAKTHIVEL, J.

TK

PRE-DELIVERY ORDER MADE IN

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