



CrI.RC.(MD) No.680 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD) No.680 of 2026

Subbaiah

.... Petitioner

Vs.

Balasubramaniyan

....Respondent

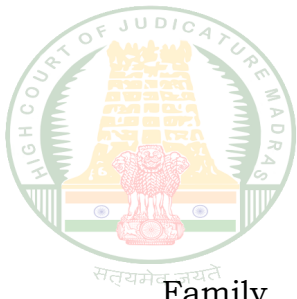
Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to call for the records and set aside the order dated 28.08.2025 passed in M.C.No.17/2022 by the learned Family Court, Thoothukudi and allow this Criminal Revision Petition.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.T.Antony Arulraj

ORDER

The petitioner-father, aggrieved by the dismissal of his maintenance petition by the learned Family Judge, Thoothukudi, has invoked the revisional jurisdiction of this Court contending that the



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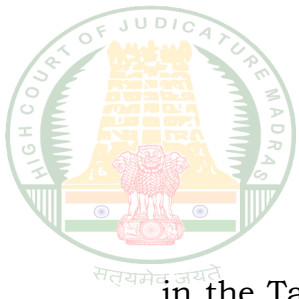
Family Court failed to appreciate the evidence in its proper perspective.

Factual background:

2. The petitioner is the father of the respondent. The petitioner married one Kamalam in the year 1986 and through the said wedlock, two children were born, namely the respondent-son and a daughter. The petitioner was employed as a Driver in the Tamil Nadu State Transport Corporation and retired from service in March 2017.

3. According to the petitioner, he spent substantial amounts towards the education and marriage of his daughter and also incurred expenditure for securing employment for the respondent. It is his further case that owing to matrimonial discord, his wife and children allegedly drove him out of the matrimonial home and consequently he has been living separately in a rented premises.

4. The petitioner claims that he suffers from age-related ailments and medical complications and is unable to maintain himself. Contending that the respondent-son is employed as a Driver



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in the Tamil Nadu State Express Transport Corporation and earns a substantial salary, the petitioner filed M.C.No.17 of 2022 under Section 125 Cr.P.C. seeking monthly maintenance of Rs.20,000/-.

5. The respondent resisted the claim by disputing the petitioner's alleged inability to maintain himself and asserting that the petitioner is financially independent. Upon consideration of the oral and documentary evidence, the learned Family Judge dismissed the maintenance petition by order dated 28.08.2025. Challenging the said order, the present revision has been filed.

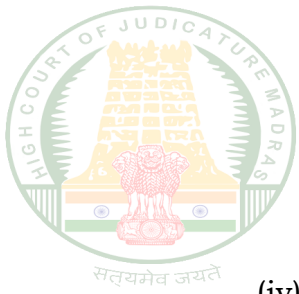
Grounds of revision:

6. The petitioner assails the impugned order principally on the following grounds:

(i) The Family Court failed to appreciate that the petitioner is a senior citizen and is unable to maintain himself.

(ii) The Court below failed to consider the increasing cost of living and medical expenses.

(iii) The respondent admittedly possesses sufficient earning capacity and is under a legal obligation to maintain his father.



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(iv) The Family Court failed to appreciate that the respondent neglected and refused to maintain the petitioner.

(v) The dismissal of the maintenance petition is contrary to the object and spirit of Section 125 Cr.P.C.

(vi) The evidence on record was improperly appreciated resulting in grave miscarriage of justice.

Case of the petitioner:

7. The learned counsel appearing for the petitioner submitted that the relationship between the parties is admitted and therefore the foundational requirement under Section 125 Cr.P.C. stands established. It was further contended that the petitioner is aged about sixty-five years and suffers from multiple ailments requiring continuous medical attention. The petitioner receives only a modest pension which is insufficient to meet his daily expenses, medical treatment, house rent and other necessities.

8. The learned counsel argued that the respondent is employed in a Government Transport Corporation and earns a stable monthly income. It was submitted that when a son having sufficient means



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neglects to maintain his aged father, the Court is obligated to invoke the beneficial provisions of Section 125 Cr.P.C. The learned counsel would further contend that the Family Court adopted an unduly technical approach and overlooked the social purpose underlying maintenance legislation.

9. According to the petitioner, the mere receipt of pension cannot automatically disentitle a parent from seeking maintenance if the amount is inadequate for sustaining a dignified existence.

Case of the respondent:

10. Per contra, learned counsel appearing for the respondent supported the order passed by the Family Court. It was contended that the petitioner has deliberately suppressed material facts concerning his financial capacity. The learned counsel pointed out that the petitioner admittedly receives pension and has also received retirement benefits.

11. It was further submitted that documentary evidence established that the petitioner had advanced substantial loans to



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third parties and had instituted cheque dishonour proceedings for recovery of those amounts. The respondent would contend that such conduct is wholly inconsistent with the plea of financial destitution.

12. The learned counsel further submitted that the petitioner failed to produce any documentary evidence regarding alleged rent payments, medical expenditure, hospitalization or treatment expenses. It was argued that the petitioner had not discharged the burden cast upon him under Section 125 Cr.P.C. to establish that he was unable to maintain himself. According to the respondent, the Family Court appreciated the evidence in its correct perspective and no interference is warranted in revisional jurisdiction.

13. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

14. In the light of the rival submissions, the following point arises for consideration:



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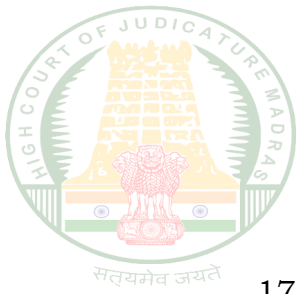
"Whether the order dated 28.08.2025 passed in M.C.No.17 of 2022 by the Family Court, Thoothukudi dismissing the petition under Section 125 Cr.P.C. suffers from any illegality, perversity or material irregularity warranting interference under Sections 397 and 401 Cr.P.C.?"

Analysis:

15. Section 125(1)(d) Cr.P.C. recognises the right of a father or mother who is unable to maintain himself or herself to seek maintenance from a son or daughter having sufficient means. The provision embodies a measure of social justice intended to prevent destitution and vagrancy.

16. However, the claimant must establish:

- (i) the relationship;
- (ii) neglect or refusal to maintain;
- (iii) sufficient means of the respondent; and
- (iv) inability of the claimant to maintain himself.

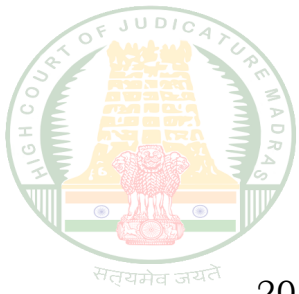


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17. The expression "unable to maintain himself" occupies a central place in the statutory scheme. Mere inadequacy of comforts or desire for a higher standard of living cannot by itself attract Section 125 Cr.P.C. The inability contemplated under the provision must be genuine, substantial and supported by acceptable evidence.

18. There is no dispute regarding the relationship between the parties, in the instant case. The respondent admittedly is the son of the petitioner. Therefore, the first statutory requirement stands satisfied. The principal controversy revolves around the petitioner's alleged inability to maintain himself.

19. The evidence on record reveals that the petitioner receives a monthly pension of Rs.15,423/-. It is also undisputed that he pays maintenance to his wife pursuant to earlier judicial orders. Even after such payment, the petitioner retains a substantial portion of his pension. Significantly, the petitioner failed to place any convincing material before the Family Court to demonstrate that the available income was insufficient for his sustenance.



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20. No documentary proof was produced regarding payment of rent. No rent receipts were marked. No medical bills, prescriptions, discharge summaries or treatment records were produced. No evidence was adduced to substantiate the alleged heart ailment or hernia surgery. In maintenance proceedings, strict rules of evidence may not apply with full rigour; nevertheless, the claimant must establish foundational facts through credible material. The Family Court was therefore justified in drawing an adverse inference from the absence of such evidence.

21. The documentary evidence further disclosed that the petitioner had advanced loans of Rs.2 lakhs and Rs.4 lakhs to third parties. Proceedings initiated by the petitioner under the Negotiable Instruments Act for recovery of those amounts were also placed before the Court. Such transactions indicate availability of financial resources.

22. A person capable of advancing substantial loans to others cannot simultaneously claim financial incapacity without furnishing satisfactory explanation. The Family Court rightly took note of these



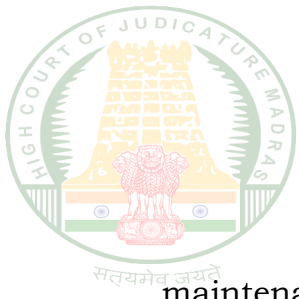
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circumstances. During cross-examination, the petitioner also admitted receipt of retirement benefits. The cumulative effect of these facts weakens the plea of indigence projected by the petitioner.

23. The respondent is employed as a Driver in the State Express Transport Corporation. The salary records revealed that the gross salary ranged between Rs.31,568/- and Rs.35,729/-.The records further showed deductions towards statutory and loan liabilities. Although the respondent possesses earning capacity, the existence of sufficient means on the part of the son alone cannot automatically confer entitlement upon the father. The inability of the parent to maintain himself remains an indispensable condition precedent.

24. The Family Court also noticed that the petitioner had not fully disclosed his income particulars. The principles laid down by the Hon'ble Supreme Court in **Rajnesh v. Neha**¹ emphasise complete financial disclosure in maintenance proceedings. Transparency and candour are essential for effective adjudication of

¹ MANU/SC/0833/2020



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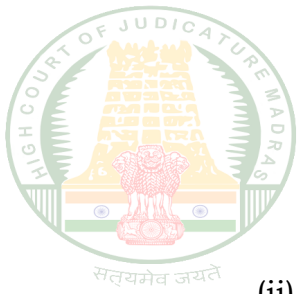
maintenance claims. The omission to disclose material financial particulars assumes significance while assessing bona fides.

25. This Court is exercising jurisdiction under Sections 397 and 401 Cr.P.C. Revisional jurisdiction is narrower than appellate jurisdiction. Re-appreciation of evidence as a first appellate Court is ordinarily impermissible unless the findings are perverse or manifestly illegal.

26. The Family Court has considered the oral evidence, documentary evidence and surrounding circumstances in a comprehensive manner. The conclusions reached are supported by materials available on record. No perversity, illegality or jurisdictional error is demonstrated. Merely because another view may also be possible, interference in revision would be unwarranted.

27. Upon a careful examination of the entire materials available on record, this Court arrives at the following conclusions:

(i) The petitioner failed to establish that he is unable to maintain himself within the meaning of Section 125 Cr.P.C.



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(ii) The petitioner admittedly receives pension and possesses demonstrable financial resources.

(iii) The petitioner failed to substantiate his alleged medical expenditure, rental liability and other claimed necessities.

(iv) The Family Court has correctly appreciated the evidence.

(v) The impugned order does not suffer from any perversity, illegality or material irregularity.

(vi) No ground is made out for interference in exercise of revisional jurisdiction.

28. In the result, this Criminal Revision Case stands **dismissed**. The order dated 28.08.2025 passed in M.C.No.17 of 2022 by the Family Court, Thoothukudi is hereby **confirmed**.

08.06.2026

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

The Family Judge,
Thoothukudi.



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L.VICTORIA GOWRI, J.

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