



Crl.MP(MD)No.15040 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.M.P.(MD).Nos.15040 of 2025

in

CRL RC(MD) No.573 of 2025

M.Vasanthan Babu

.... Petitioner /Petitioner

Vs.

1.The State of Tamilnadu,
Rep by The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
(Crime No.4 of 2019)

2.Umashree

... Respondents /Respondents

*(R-2 is suo-motu impleaded as per order of this Court
dated 22.07.2025 in Crl.RC(MD)No.573/2025)*

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to modify the order dated 11.08.2025 in Crl.RC(MD).No. 573/2025 passed by this Honble Court thereby directing the production of the credit statement of the petitioner for the relevant period from 2013 to 2016, suitably to meet the ends of justice.

For Petitioners : Mr. M.Arjun Varman

For R-1 : Mr.M.Sakthi Kumar



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Government Advocate(Crl.Side)

For R-2

: M/s.Umashree,
Party-in-person

ORDER

Preface:

Criminal law, particularly in matrimonial offences, requires a careful balancing of individual liberty on one hand and the collective interest of justice on the other. Courts are frequently called upon to navigate through layered factual disputes, prolonged estrangement, parallel civil proceedings, and allegations of abuse of process. While procedural indulgence may be shown to enable participation in the process of justice, such indulgence cannot be stretched to dilute judicial directions passed to facilitate truth-finding and meaningful adjudication.

2. The present Criminal Miscellaneous Petition seeks modification of an interim direction issued by this Court during the pendency of a Criminal Revision, directing the petitioner to produce his credit statements for a specified period. The prayer raises an important question as to whether a judicial direction issued in the



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course of proceedings can be recalled or rendered otiose merely on the ground of alleged practical difficulty or failure of mediation.

Case of the petitioner / Background facts:

3. The petitioner herein is the first accused in C.C.No.1454 of 2022 on the file of the learned Judicial Magistrate, Karaikudi, arising out of Crime No.4 of 2019 registered for offences under Sections 498-A, 406 and 506(i) IPC.

4. The marriage between the petitioner and the *de-facto* complainant was solemnised on 22.02.2013. Matrimonial discord ensued, resulting in criminal proceedings, a divorce petition, and proceedings under the Protection of Women from Domestic Violence Act, 2005.

5. During the pendency of the criminal case, a Non-Bailable Warrant came to be issued against the petitioner, which was later recalled by the learned Trial Court subject to certain conditions. Aggrieved by the said conditions, the petitioner preferred Crl.R.C. (MD) No.573 of 2025 before this Court.



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6. During the hearing of the said Criminal Revision, considering the matrimonial nature of the dispute, this Court referred the parties to Mediation. In that context, by order dated 11.08.2025, this Court directed the petitioner to produce credit statements pertaining to the period from 2013 to 2016, when the parties were admittedly residing in the United States of America.

7. The present Criminal Miscellaneous Petition has been filed seeking modification of the said direction on the ground that the petitioner is unable to procure the bank statements owing to data retention limitations of the foreign bank and that the mediation process has since failed.

Grounds raised in the modification petition:

8. The principal grounds urged by the petitioner are the direction to produce credit statements was issued only in aid of mediation and lost its relevance upon failure of mediation. The concerned bank in the United States does not provide statements beyond seven years. Non-modification of the order would cause



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hardship and prejudice to the petitioner, who is presently residing and working in the United Kingdom.

Submissions of the respondent / Prosecution:

9. Per contra, the learned Government Advocate (Criminal Side) submitted that the petitioner has consistently avoided the process of law and has a history of non-cooperation; The direction to produce credit statements is relevant not merely for mediation but also for adjudication of disputed factual assertions relating to financial transactions and alleged misappropriation; The petitioner cannot seek modification of a judicial direction merely by pleading inconvenience, particularly when alternate documentary material can be produced.

10. Heard the learned counsel for the petitioners and carefully perused the materials available on record.

Point for consideration:

11. The point that arises for consideration is whether the petitioner has made out sufficient grounds for modification of the



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order dated 11.08.2025 passed in Crl.R.C.(MD) No.573 of 2025 directing production of credit statements for the period 2013–2016?

Analysis:

12. It is not in dispute that the direction dated 11.08.2025 was passed by this Court in the course of judicial proceedings, though contemporaneous with the mediation process. The mere fact that mediation has failed does not, *ipso facto*, render every direction issued during that phase redundant or unenforceable.

13. Financial transactions during the subsistence of marriage, particularly when allegations of dowry demand, misappropriation and economic abuse are levelled, assume evidentiary significance. The direction to produce credit statements was issued to enable clarity on disputed assertions and to assist the Court in arriving at a just conclusion.

14. The petitioner's plea that the bank does not retain records beyond seven years, even if assumed to be true, does not automatically justify modification of the judicial order. The petitioner



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is at liberty to place before the Court any official communication from the bank substantiating such limitation or to produce alternative contemporaneous documents, including certified copies, tax filings, salary slips or other admissible financial records.

15. A judicial direction cannot be rendered nugatory merely because compliance is perceived to be inconvenient or arduous. Courts cannot be reduced to issuing advisory directions bereft of enforceability.

16. Furthermore, this Court cannot be oblivious to the conduct of the petitioner, who has remained absent from trial proceedings for considerable periods, necessitating issuance of Non-Bailable Warrants and repeated litigation. The present application appears to be yet another attempt to dilute conditions and directions aimed at securing effective participation in the criminal process.

17. The apprehension expressed by the petitioner regarding hardship or prejudice is speculative and does not outweigh the



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interest of justice and the need for compliance with lawful judicial directions.

18. Courts exercise discretion to facilitate justice, not to provide escape routes from procedural accountability. The power to modify an order must be exercised sparingly and only upon demonstration of compelling and bona fide circumstances. The petitioner has failed to establish any such exceptional ground warranting interference.

19. In view of the foregoing reasons, this Criminal Miscellaneous Petition is dismissed. The order dated 11.08.2025 passed by this Court in Crl.R.C.(MD) No.573 of 2025 stands confirmed. The petitioner shall comply with the said direction or place appropriate material before the Court in accordance with law.

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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- To
1. The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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