



Crl.RC.(MD) No.206 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD) No.206 of 2026

and

CRL MP(MD)No.2451 of 2026

T.Bharathidasan

.... Petitioner

Vs.

1. Susmitha

2. B.S.Vasudeva
(Minor Rep by 1st respondent)

...Respondents

Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to set aside the order in Crl MP No.137/2024 in Crl MP No. 4/2024 in MC No.71/2022 order dated 14.07.2025 on the file of the learned Family Court, Madurai.

For Petitioner : M/s.V.Jeyarani

For Respondent : Mr.S.Sivaprakash



Crl.RC.(MD) No.206 of 2026

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ORDER

Seeking to set aside the order in Crl.M.P.No.137 of 2024 in Crl. M.P.No.4 of 2024 in M.C.No.71/2022 order dated 14.07.2025 on the file of the learned Family Court, Madurai, this Criminal Revision case is filed.

2. The learned counsel for the petitioner submitted that the petitioner is the husband of the first respondent. The marriage between the petitioner and the first respondent was an arranged marriage which was held on 01.12.2019. Within two months of marriage, certain indifferences crept in between them, and the 1st respondent is living separately in her maternal home. The petitioner is an ITI person without employment. In the meanwhile, he had also met with an accident where he happened to undergo a surgery for fracture in his right hand.

3. While being so, the 1st respondent had filed a maintenance case in M.C.No.71 of 2022, which was set *ex parte* as against the petitioner in which the learned Trial Court directed the petitioner to pay the maintenance amount of Rs.10,000/- (Rupees Ten Thousand



Crl.RC.(MD) No.206 of 2026

only) each to the respondents 1 and 2. Since the petitioner failed to pay any maintenance, the respondents have filed Crl.M.P.No.4 of 2024 seeking to arrest the petitioner and further directed him to pay the arrear amount through the learned Trial Court and the same is pending. Challenging the same, the petitioner has filed Crl.M.P.No. 137 of 2024 in M.C.No.71 of 2022 seeking to set aside the *ex parte* order dated 12.10.2023. However, the learned Trial Court by an order dated 14.07.2025 allowed the said petition subject to the condition that the petitioner has to pay an amount of Rs.1,00,000/- (Rupees One Lakh only) to the respondents on or before 13.08.2025 in Crl.M.P.No.4 of 2024, failing which, Crl.M.P.No.137 of 2024 would stand dismissed. Challenging the same, this Criminal Revision case is filed.

4. The learned counsel for the petitioner categorically submitted that the petitioner is struggling to maintain himself. However, the first respondent is a Youtuber with sufficient means, and the petitioner cannot comply with the condition and sought for the indulgence of this Court.



5. Per contra, the learned counsel for the respondents categorically contended that having not paid even a single amount of maintenance so far from the date of the order passed by the learned Trial Court on 12.10.2023, there is no justification on the part of the petitioner to seek for the indulgence of this Court and sought for dismissal of this Criminal Revision case.

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

7. It is seen that the learned Trial Court in M.C.No.71 of 2022 had passed an *ex parte* order on 12.10.2023. However, during the pendency of the said maintenance case, both parties were directed to attend mediation where the mediation failed because of the non cooperation by the petitioner, who agreed to pay any amount of maintenance, citing his inability to pay the same. It was only thereafter the said maintenance case was set *ex parte* as against the petitioner, directing him to pay an amount of Rs.10,000/- as maintenance to each of the respondents 1 and 2. Even thereafter, the same was not paid, and only under such circumstances, the



Crl.RC.(MD) No.206 of 2026

respondent had filed Crl.M.P.No.4 of 2024, seeking to direct the petitioner to be arrested due to his non payment of maintenance. On receiving summons from the learned Trial Court, the petitioner had filed Crl.M.P.No.137 of 2024 seeking to set aside the ex parte order. I don't find any demerit in the learner Trial Court's order directing the petitioner to pay an amount of Rs.1,00,000/- (Rupees One Lakh only) as a condition for setting aside the impugned ex parte order.

8. Considering the fact that the petitioner had not paid even a single penny to the minor so far from the date of the maintenance order, this Court hereby confirms the learned Trial Court's order.

9. In view of the above, this Criminal Revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

03.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

The Family Court, Madurai.



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CrI.RC.(MD) No.206 of 2026

L.VICTORIA GOWRI, J.

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CrI.RC(MD)No.206 of 2026

03.03.2026