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Order QR

CRL RC No. 97 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09-09-2026

PRONOUNCED ON : 16-09-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 97 of 2026
and CRL MP Nos. 584 and 10188 of 2026**

Suraj Goyal
S/o. Chandrakumar M.Goyal,
Door No.22/24, 2nd Street, 2nd Floor,
Jayalakshmipuram, Nungambakkam,
Chennai - 600 034.

..Petitioner(s)

Vs

C.M.Goyal @ Chandrakumar M.Goyal
S/o. M.Goyal,
residing at North Town,
Flat No.301 and 304, 3rd Floor, Stephenson Road,
Perambur, Chennai - 600 012.

..Respondent(s)

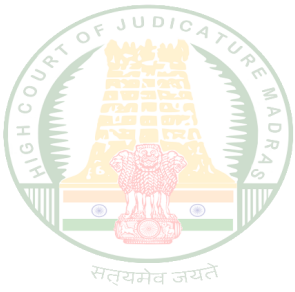
Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to set aside the order passed in M.C.No.17 of 2024 dated 15.10.2025 by the learned VI Additional Judge, Family Court, Chennai.

For Petitioner(s):

Mr,P.R.Raman, Senior Counsel
for Mr.M.Aravindan

For Respondent(s):

M/s.Rohini Ravikumar



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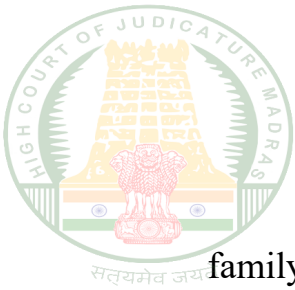
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The instant Criminal Revision has been filed by the son of the respondent, who is aggrieved by the order dated 15.10.2025 passed in MC No.17 of 2024 awarding monthly maintenance of Rs.75,000/-, payable by him to the respondent.

(2) The facts leading to the filing of this revision, are as follows:

(i) The respondent herein had sought for maintenance from the petitioner, stating that he was 80 years old; that he was unable to maintain himself; that he was the Proprietor of a company by name, M/s Conjap Electronics Industries, which was involved in the business of manufacturing and sale of household appliances and goods, computers, etc.; that he was successful in his business till the age of 80; that he built his business from the age of 17; that out of his business income, he had purchased various properties in and around the city; that he had provided good education to his children including the petitioner herein; that in the year 2021, the petitioner expressed his desire to join the business; that he gave 50% share in the business to the petitioner; that he had purchased an apartment at Perambur and shifted along with the petitioner and his



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family to the said flat; that the petitioner in collusion with his wife had deceived him to execute a settlement deed; that the petitioner incorporated his own company, viz., M/s. Conjap Electronics Private Limited, held almost all the shares in his name and in his wife's name and diverted the business of the concern run by the respondent; that thereafter, the attitude of the petitioner changed and taking advantage of the respondent's sickness, the petitioner defrauded him; that the petitioner prevented the respondent from going to his office and taking care of the business; that the petitioner had stopped paying the electricity bill, maintenance charges and the property tax of the apartment, which was settled in his favour by the respondent; that because of the petitioner's acts, he is unable to maintain himself and does not have any source of income.

(ii) The petitioner herein filed a counter stating that he is one of the four children born (the other children are daughters) to the respondent; that he had never shirked his responsibility as he is the only son; that the respondent always subjected his entire family, including the mother of the petitioner, who died on 27.04.2012, to ill-treatment; that he had extra-

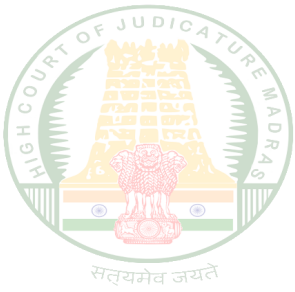


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marital affairs; that in August 2010, the petitioner left the house along with his wife; that thereafter, he joined the respondent in the business run by him; that he developed the business; that in the year 2017, he decided to shift with the family to live with the respondent in the flats purchased by him; that after some time, differences arose between the petitioner and the respondent; that hence, the petitioner left the house; that in the meanwhile, the respondent had settled the property in his name, retaining life interest; that thereafter, the respondent sought for cancellation of the settlement deed before the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2017 [in short, '*the Senior Citizens Act*'], and failed; that the respondent has filed the maintenance petition as an afterthought; that the respondent owns several commercial properties at Mount Road and a residential house at Purasawalkam; that the respondent earns substantial money towards rent; that he earns income from his Proprietorship concern and he has fixed deposits to the tune of more than Rs.10 Lakhs; that the respondent's conduct in seeking a life partner in the matrimonial site was not approved by any of the family members and has brought disrepute to the family; and hence, sought for dismissal of the maintenance petition.



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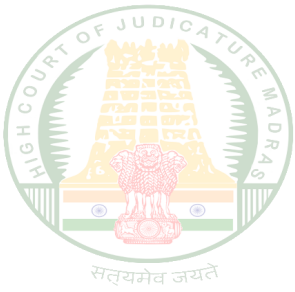
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(iii) Before the Family Court, the respondent examined himself as PW1 and marked Ex.P1 to Ex.P16. Petitioner examined himself as RW1 and marked Ex.R1 to Ex.R11.

(iv) Holding that the respondent was incapable of maintaining himself, the Family Court quantified the monthly maintenance at Rs.75,000/- and directed the petitioner to pay the said maintenance.

3. (i) Mr. P. R. Raman, learned senior counsel for the petitioner, would submit that initially the respondent had approached the authorities concerned under the Senior Citizens Act, for cancellation of the settlement deed executed in favour of the petitioner in respect of two flats, which are combined together; that the respondent is residing in the said flats, as he had retained life interest; that since the respondent had not succeeded before the authorities and the appellate authority in obtaining an order of cancellation of the settlement deed, he has filed the maintenance petition only to harass the petitioner and the object is not to seek maintenance.



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(ii) The learned senior counsel would further submit that the petitioner established before the Family Court that the respondent owned five commercial properties and was earning income from them by marking Ex.R7 to Ex.R11, the rental agreements for those properties; that the bank account of the respondent would indicate that he was earning business income as well; that he had also gifted money to his grandchildren; that the Income Tax Challan [Ex.P15], filed by the respondent for the Assessment Year 2023-24, would indicate that the respondent had earned business income and had also paid Income Tax to the tune of Rs.52,728/-.

(iii) The learned senior counsel would further submit that the respondent had not approached the Court with clean hands and had made false declarations in the Affidavit of Assets and Liabilities; that he had filed two affidavits; that the first affidavit was filed on 22.12.2023 in which he had stated that he did not own any property and executed a Will in respect of all his properties; and that he had declared that he had no income from any sources, which is false. The respondent thereafter, filed



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the second affidavit on 18.03.2024, in which though he had disclosed rental income, in respect of two properties had not disclosed the actual rent and that he is earning income from other commercial properties. The respondent had also stated in the said affidavit that the income from the shops is being collected by his daughter Manisha Bansal, who is taking care of him.

(iv) The learned senior counsel therefore, submitted that the affidavits of the respondent, besides being false, are contrary to each other and is preposterous to state that he is not earning any income from the property because he had executed the Will in favour of his daughter. He would therefore, submit that the provisions of Section 125 Cr.PC., has been misused, as the respondent has not established that he was living in vagrancy and destitution. He relied upon the judgment of the Hon'ble Supreme Court in **Chaturbhuj v. Sita bai**, reported in **(2008) 2 SCC 316**.

4. (i) Ms.Rohini Ravikumar, learned counsel for the respondent, *per contra*, submitted that the Family Court has rightly considered the



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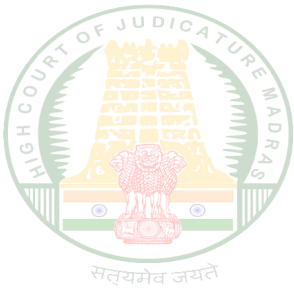
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financial condition of the respondent and found that the petitioner is bound to maintain the respondent. The learned counsel pointed out to the portions of the impugned order where the learned Judge had discussed the obligation/duty on the part of the petitioner to maintain the respondent, who had throughout his life worked for the welfare of the family and has generated wealth for the family.

(ii) The learned counsel also sought to justify the two affidavits filed by this respondent, stating that initially the format for filing the Affidavit of Assets and Liabilities, was different and that filing of the subsequent affidavit was necessitated since the format changed. She would also refer to the conduct of the petitioner in ignoring the pathetic condition of the respondent and abandoning him at his old age.

5. This Court has carefully considered the rival submissions and perused the materials available on record.

6. The learned Judge, Family Court, while holding the petitioner liable to pay maintenance has made the following observations:



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(a) that the respondent is a senior citizen, aged about 83 years;

(b) that only because of his hard work, he was able to sustain his business till this age and provide best education and lifestyle to his children;

(c) that he had also, believing the words of the petitioner, permitted him to join the business and had parted with 50 % of the share and thereafter, the petitioner had started his own company in collusion with his wife to deprive the respondent of his business income;

(d) that he has been living alone without any assistance, and the petitioner had prevented others from assisting the respondent;

(e) that the respondent had executed a Will in respect of his commercial properties;

(f) that the respondent had executed a Will in favour of his daughter and that the evidence reveals that he is unable to maintain himself and requires substantial sum for his survival and medical expenses;

and thus, considering his status, awarded monthly maintenance of Rs.75,000/-. The learned Judge was also carried away by the fact that the



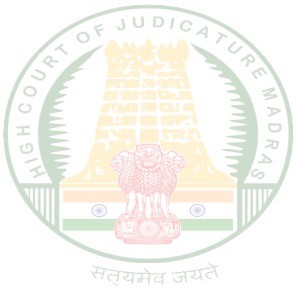
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petitioner has forgotten his responsibility in taking care of his aged father and ought to have given moral support to his father.

7. From the submissions and the available materials on record, this Court is of the view that the instant petition under Section 125 Cr.P.C., was filed after the respondent had failed in his attempt to cancel the settlement deed executed in favour of the petitioner. In fact, during the course of the arguments, the learned counsel for the respondent fairly conceded that if the settlement deed is cancelled and the property is reverted to the respondent, he will not even pursue his prayer for maintenance.

8. Be that as it may. Admittedly, the respondent is living in the flats (joined together) in which he had retained life interest and had settled in favour of the petitioner. It is not in dispute that the respondent has also filed a civil suit for cancellation of settlement deed and had filed a writ petition challenging the order passed by the appellate authority under the Senior Citizens Act, dismissing his prayer for cancellation.



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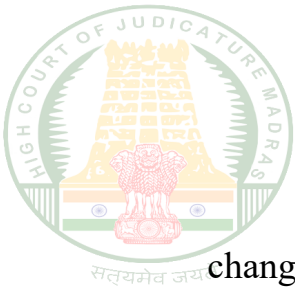
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9. (i) The question is whether the respondent is a destitute. Ex.R7 to Ex.R11 marked by the petitioner are not in dispute. They are the rental agreements executed by the respondent in favour of the tenants and the rental agreements suggest that the respondent was receiving Rs.82,000/- as rent from all the commercial properties. The rental agreements were executed on various dates between 2020 and 2022. This has not been disclosed in the Affidavit of Assets and Liabilities filed initially on 22.12.2023. In that affidavit, the respondent had also stated that the income from other sources such as shares, dividends, was 'Nil'. In column G, where he is supposed to declare the properties, he had stated as follows:

“Nothing at present since the properties had been settled and willed to his children.”

(ii) In the second Affidavit of Assets that was filed three months later i.e., on 18.03.2024, additional particulars which is contrary to the earlier Affidavit of Assets was filed. It is not clear as to why the second Affidavit of Assets was filed. The learned counsel for the respondent sought to justify the second Affidavit of Assets by stating that there was a



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change in format and therefore, it had to be filed. But, what we are concerned is with the information and the declarations made.

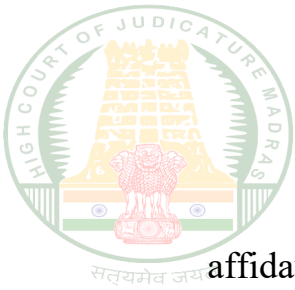
(iii) In the column seeking the details of '*Income from other sources*', the respondent has stated as follows:

- “a. TONY VISION = 16,000/- rs.
- b. FLOWERS ROAD = 16,000/- rs (rent increased from Feb 2024 previous was 12,500/- rs. in the year 2023).
- c. FIXED DEPOSITS (4) NOS Rs.1,50,000/- each documents are in bank.”

(iv) In the Column '*F. ASSETS (MOVABLE AND IMMOVABLE) OWNED BY THE PETITIONER*', the respondent has stated as follows:

- “a. north town, tower 15, flat no.301 & 304 stepenson's road, perambur, Chennai – 600 012 (Civil Suit numbers: 1585 & 1586/2024 pending before honorable II ADDL. COURT pending litigation)
- b. 21/5 narasingapuram street, mount road, Chennai 600 002 (Already executed registered will under no.TP/162973545/2023 in favour of Manisha bansal D/O. C.M.GOYAL in full sense and witnesses. The income from these shops will go to D/O. C.M.Goyal Manisha Bansal who is presently taking care of her father.”

(v) Firstly, the reason stated by the respondent for suppressing these details that are mentioned in the second affidavit, in the first



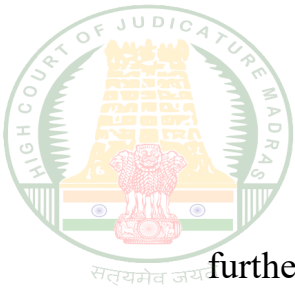
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affidavit, cannot be countenanced. There is no reason to make a false declaration in an affidavit. In the second affidavit also, the petitioner claims rental income only from two properties and he calls them as 'Tony Vision' and 'Flowers Road'. The rental income as on 11.11.2024 for the said property called 'Tony Vision' was Rs.30,000/- per month, as could be seen from Ex.R7. In fact, the agreement also says that the rent would be increased by 15% after three years. That being the case, the rental income shown as Rs.16,000/- per month appears to be false.

(vi) In the cross-examination, to a specific question as to how the rent would be reduced from Rs.30,000/- to Rs.16,000/-, the respondent would state that the tenant offered only Rs.16,000/- after the rains. This explanation, does not appeal to common sense. In fact, he would state that before 2023, the tenant viz., 'Tony Vision' was paying a rent of Rs.30,000/-, which he had not disclosed in the first Affidavit of Assets.

(vii) To a specific question put by the petitioner's counsel in the cross-examination, the respondent would state that the tenant in the first floor of Balaji Complex vacated during November 2023, but, when



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further confronted with the bank statements, which suggested that the rents were credited on 06.01.2024 and 15.01.2024, the respondent would state that they were old arrears. Similarly, for the property at second floor of Balaji Complex and the second floor at Mathaji Complex at Mount Road, which were the two properties owned by the respondent, there are credits in the account to infer that the rents were deposited on 06.01.2024 and 19.02.2024, though the respondent sought to explain that they were interest for the loan advanced by him.

(viii) The answers in the cross examination are palpably false, as could be seen from the rental agreements, Ex.R7 to Ex.R11, marked by the petitioner. The respondent had not only disclosed all the properties from which he had received rental income, but, also would justify the credits by giving false explanations.

(ix) The other declaration made in the second Affidavit of Assets is that he had executed a registered will in respect of a property at 21/5, Narasingapuram Street, Mount Road, in favour of his daughter Manisha Bansal and that the rental income is being received by his daughter



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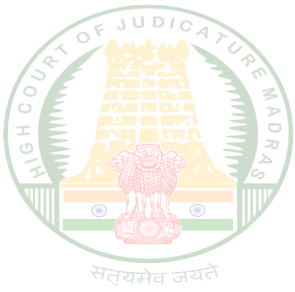
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Manisha Bansal. The said statement in the affidavit is opposed to human conduct and is unbelievable. One who claims to be a destitute would not allow his daughter to collect the rents when there is no transfer in *praesenti*. The bank statements also suggest that the respondent has been receiving business income and there are a number of credits in the bank.

(x) All the above suggests that the respondent is staying in his own flat (s); that he is earning income from the commercial shops owned by him; that he is earning business income; and that in fact, he had the capacity to even give substantial money to his grandchildren. The evidence therefore, suggests that he is not a man who is living in vagrancy or destitution.

10. The Hon'ble Supreme Court in ***Chaturbhuj's case*** [*supra*], has held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution. The relevant observations reads as follows:

“6.....The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing and shelter to the deserted wife. It gives effect to fundamental rights and natural duties of a man to maintain his wife, children and parents when they



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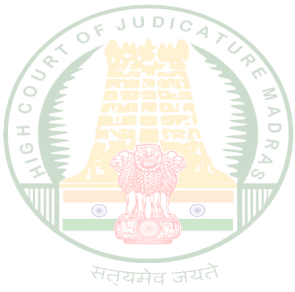
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are unable to maintain themselves. The aforesaid position was highlighted in Savitaben Somabhai Bhatiya v. State of Gujarat and others (2005 (2) Supreme 503). ”

11. As stated above, the learned Judge was carried away by the fact that the father who had brought up the children well was neglected by the children. This Court is not called upon to decide whether the respondent has been neglected by the petitioner or by his other children and whether they are morally justified in doing so. This Court has to only consider whether the respondent in the facts of the case would be entitled to maintenance in terms of Section 125 of the Cr.P.C.

12. The fact that the respondent has been deceived to execute a settlement deed in favour of the petitioner and the respondent had not succeeded in cancelling the settlement deed and is living alone without any moral support, would not be a ground to order maintenance under Section 125 of the Cr.P.C. The respondent has resorted to other remedies and it is needless to say that if he succeeds in those proceedings, the property would revert to him. The facts in the case are definitely disturbing. But, that would hardly be a reason to interpret the law differently.



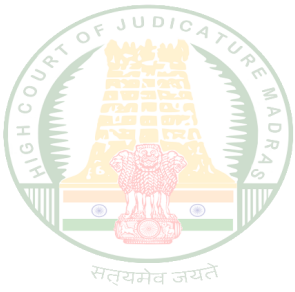
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13 (i) This Court is reminded of an article titled, '*A hard case should not make a bad law*', written by Justice S.A.Khader, former Judge of this Court and published in **2000 (2) LW 111 (JS)**,

(ii) The learned Judge in that Article had commented upon the decision of this Court in *Kennedy Sigamany and three others v. Kiruba Gnana Seli Prema and another*, reported in **2000 (1) LW 878**.

(iii) The facts in that case were that the 1st plaintiff, a Christian was aged 17 years at the relevant time was taking tuition under the 1st defendant's sister Nightingale, living in the opposite house. The 1st defendant and the plaintiff fell in love. The 1st defendant, holding the Holy Bible in his hands, solemnly declared the 1st plaintiff as his wife and believing his words, the 1st plaintiff had sex with the 1st defendant, as a result of which, she became pregnant and gave birth to the 2nd plaintiff girl-child. All attempts made by the relatives and friends to solemnise the marriage between them failed. The 1st plaintiff filed a suit before the District Munsif, Srivaikuntam for a declaration that the 1st plaintiff is the legally wedded wife of the 1st defendant and that the 2nd plaintiff is their legitimate offspring.



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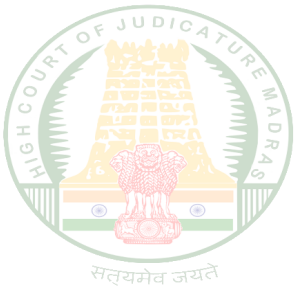
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(iv) The trial Court and the appellate Court decreed in favour of the plaintiffs. The Second Appeal was dismissed by this Court. This Court had held that though the conditions under Section 4 of the Christian Marriage Act, have not been satisfied, since the plaintiff was made to believe that she was legally married to the defendant, the marriage has to be held to be valid and any interference with the judgments of the Courts below would amount to miscarriage of justice.

(v) In that context, the learned Judge in the Article had quoted several judgments and concluded that, ***“Hard cases must not be allowed to make a bad law”*** as held by the Chief Justice of Oudh in ***Hasan Kirmani v. Bal Deo Singh***, reported in **100 I.C. 851**.

(vi) The sum and substance of the article is that sentimental considerations of misery and hardship to one of the parties cannot and should not be allowed to substitute or supplant, nullify or stultify the statutory provisions of law.



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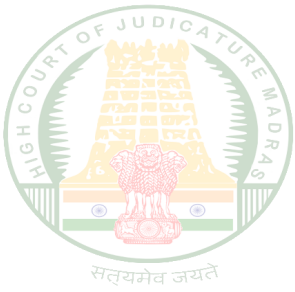
14. This Court respectfully endorses the view of the Hon'ble Judge in the above article. The Courts are to administer justice according to law and not according to moral values, equitable principles and sentimental considerations.

15.(a) The Courts are supposed to declare what the law is and not what the law ought to be. To borrow the words of Justice VR.Krishna Iyer, the Courts have to construe the law and not to construct it.

(b) In *Varanasi Annapoornamma v. Kandi Kappu Vengamma*, reported in **AIR 1926 Madras 1017**, this Court observed that moral rules, which may be very satisfactory as moral rules, should not be introduced into the administration of justice.

(c) In *Varajlal Jivan Das v. Venkatasamy*, reported in **ILR 52 Bom 459**, the Chief Justice of Bombay High Court has observed as follows:

“Mr.Daphtary, has said, and said truly, that if there is a law then we must apply that law whatever the result may be and however inconvenient it may be to litigant and everybody else



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connected with the administration of this particular branch of law.”

16. This is certainly a hard case when the son is accused of obtaining the self-acquired property of a father by a settlement and had not given the father any moral support. But, that does not entitle the father to claim maintenance under Section 125 of the Cr.P.C. unless he satisfies the conditions provided. The contrary statements by the father in his two affidavits suggest that there was an attempt to suppress the properties in his name. Even in the second affidavit though there is a reference to some properties owned by him, he would state that he had willed his properties to his daughters and therefore, he is not receiving rents. These statements in the affidavit have been made only to make a claim under Section 125 of the Cr.P.C., which cannot be countenanced.

17. Though one would sympathise with the respondent for whatever that has happened in his relationship with his children, this Court is unable to subscribe to the view taken by the Family Court that he has to be compensated financially for that purpose. No amount of money can compensate for the lack of moral or the family support that a person



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is entitled to at his old age. This Court only can hope and trust that the good sense prevails upon the parties and they sort out the issues to ensure that the relationship between the father and the son is maintained as it is supposed to be.

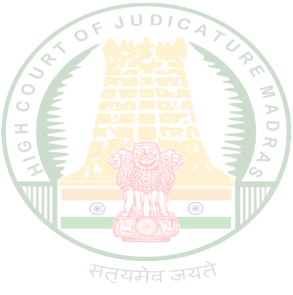
18. Therefore, for all the reasons, this Court is of the view that the ground on which the maintenance is awarded by the Family Court cannot be accepted and this Court is inclined to set aside the same.

19. Accordingly, the Criminal Revision Case is allowed. The order dated 15.10.2025 passed in M.C.No.17 of 2024 by the learned VI Additional Judge, Family Court, Chennai, is set aside. The maintenance amount, if any, paid by the petitioner to the respondent so far, shall not be recovered. Consequently, the connected Criminal Miscellaneous Petitions are closed.

16-09-2026

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

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To

The VI Additional Judge,
Family Court, Chennai.

**Pre-delivery order in
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