



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2015

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CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC. (MD)No.104 of 2015

and

M.P.No.1 of 2015

B.Raja Neelamegam : Petitioner/Respondent

Vs.

R.Geetha : Respondent/Petitioner

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to admit this revision petition on file and call for records from Lower Court and set aside the Judgment in M.C.No.27 of 2014, dated 31.12.2014, on the file of the Additional Chief Judicial Magistrate, Madurai, by allowing the revision.

For Petitioner : Mr.S.Sundaresan
For M/s.Sun Associates
For Respondent : Mr.C.Godwin

ORDER

The petitioner is the husband of the respondent. The respondent filed M.C.No.27 of 2014, on the file of the learned Additional Chief Judicial Magistrate, Madurai, claiming maintenance of Rs.10,000/- per month. The learned Additional Chief Judicial Magistrate, by order dated 31.12.2014, directed the petitioner to pay a sum of Rs.7,000/- towards maintenance. Challenging the same, the petitioner has come up with the present Criminal Revision Case.

2. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondent and perused the records carefully.

3. According to the respondent, the petitioner has deserted her and he has illicit relationship with one Ms.Revathy.

4. The petitioner disputes the said allegation. According to the petitioner, earlier, on the very same allegation, the respondent had sent a complaint to the Higher Authorities of the Department, under whom the petitioner is working and based on the said complaint, an enquiry was conducted and it was found that



there is no truth in the said allegation. Now, the petitioner has filed the above petition on the same allegations.

5. The learned counsel appearing for the petitioner would submit that the Lower Court has held that there is truth in the said allegation and the said conclusion has been arrived at based on a photograph, showing the petitioner and the said Ms.Revathy together. According to the petitioner, the said photograph is a morphed one and therefore, no reliance should have been placed on the same. The learned counsel for the petitioner would further submit that absolutely, there is no evidence to show that there was any relationship between the petitioner and the said Ms.Revathy.

6. The learned counsel appearing for the petitioner would, however, submit that though this revision has been filed challenging the entire order of the Trial Court, now the petitioner does not press the challenge regarding the liability of the petitioner to pay a sum of Rs.7,000/-, as ordered by the Lower Court. The learned counsel, today, made an endorsement stating that the petitioner is prepared to pay a sum of Rs.7,000/- towards maintenance to the respondent, without prejudice to his defence in the matrimonial proceedings pending before the Sub Court, Madurai.

7. The learned counsel appearing for the petitioner would submit that the dispute as to whether the petitioner has got illicit relationship with the said Ms.Revathy or not may be left open to be decided by the Sub Court, for which the learned counsel appearing for the respondent has no objection. The learned counsel for the petitioner would, however, submit that the finding of the Lower Court, regarding the relationship of the petitioner with the said Ms.Revathy alone may be set aside.

8. In view of the said submissions made by the learned counsel on either side, I am inclined to set aside this finding alone of the Lower Court. However, I am inclined to confirm the order of the Lower Court directing the petitioner to pay a sum of Rs.7,000/- per month towards maintenance of the respondent, as agreed upon before this Court.

9. In the result, this Criminal Revision Case is partly allowed in the following terms:-

(i). The finding of the Lower Court that the petitioner has got some kind of relationship with the said Ms.Revathy is hereby set aside and the question as to whether there is any relationship between them or not is left open for the parties to agitate the same before the Civil Court.

<https://hcservices.ebar.in/hcservices/>

(ii). The order of the Lower Court directing the petitioner to



pay a sum of Rs.7,000/- per month towards maintenance of the respondent is hereby confirmed.

Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Additional Chief Judicial Magistrate, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Shobha, Advocate Sr.No.21052

+1cc to Mr.C.Godwin, Advocate Sr.No.19688

nb

AA/29.04.2015/3p- 5c/

ORDER MADE IN
CRL.RC.(MD)No.104 of 2015
DATED - 17.04.2015