



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.06.2015

CORAM:
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C. (MD) NO.224 of 2015

Soundharajan

.. Revision Petitioner

Vs.

1.Lakshmi

2.Kalaivani

D/o.Lakshmi

Sarvodhyacolony

Gandhigramam

Aathur Taluk

Dindigul District.

.. Respondents

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the entire records relating to the order of the Chief Judicial Magistrate, Dindigul dated 15.05.2015 in Cr.M.P.No.310 of 2015 in M.C.No.22 of 2014 dismissing the petition filed by the petitioner under Section 125 (1)(c) of Cr.P.C. and set aside the same by allowing the present criminal revision petition.

For Petitioner :: Mr.S.Ramasamy

For Respondent :: MR.P.KANNITHEVAN, GA CRL SIDE

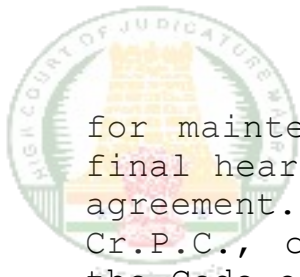
ORDER

The petitioner is the husband of the first respondent and the father of the 2nd respondent. The respondent filed M.C.No.22 of 2014 before the learned Chief Judicial Magistrate, Dindigul, claiming maintenance under Section 125 Cr.P.C. During the pendency of the same, the petitioner filed Cr.M.P.No.310 of 2015 seeking dismissal of the petition on the ground that there are no averments to satisfy the requirements of Sub Section (1)(c) of Section 125 Cr.P.C., inasmuch as, according to the petitioner, there are no averments in the petition that the second respondent by reason of any physical or mental abnormality or injury is unable to maintain herself. That petition was dismissed by the learned Chief Judicial Magistrate, Dindigul. Challenging the same, the petitioner is before this Court with this revision.

2. I have heard the learned counsel for the petitioner and also perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/>

3. A perusal of the order of the lower Court would go to show that the question as to whether the 2nd respondent is entitled



for maintenance or not and the matter is gone into only at the final hearing of the main case. Regarding this view, I am in full agreement. Apart from that the petition under Section 125 Cr.P.C., cannot be equated to a pleading in a civil case, under the Code of Civil Procedure.

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4. The object of introduction of Section 125 Cr.P.C. itself is to grant some urgent relief to the destitute, who is in penury so as to rescue her.

5. In view of the above, I do not find any reason to interfere with the order of the lower Court. Accordingly, the Criminal Revision Petition is dismissed. Consequently connected Miscellaneous Petition is also dismissed.

SD

ASST REGISTRAR - RTI

TRUE COPY

SUB ASST REGISTRAR

RR

To

1.The Chief Judicial Magistrate, Dindigul

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

1CC TO MR. S. RAMASAMY, ADV SR: 31042

DM 29 JUNE 15

Cr1.R.C.(MD)NO.224 of 2015
16.06.2015

2P:4