

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1963 OF 2014

ORDER:

The present criminal revision case is filed by the petitioners challenging the order, dated 26.08.2014, passed in Criminal Appeal No.26 of 2014, whereby the lower appellate Court dismissed the appeal filed by the petitioners herein, by confirming the order, dated 18.02.2014, passed in Crl.M.P.No.38 of 2013 in D.V.C.No.5 of 2013, whereby the trial Court held that the first respondent herein (wife) is entitled to live at the shared household and the petitioners herein are restrained from in any way causing any type of domestic violence or harassment towards the first respondent herein at her shared household.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the respondent No.1/wife has voluntarily deserted the company of the petitioners and staying at her parent's house from 2011 onwards and she has filed the D.V.C., with all false allegations with an intention to harass the petitioners herein, more particularly the first petitioner, who is the husband of respondent No.1 herein. He further submits that the shared household house does not belong to the petitioner No.1 and it is the house of petitioner No.2, which is her stridhana property, in which neither the respondent No.1 nor the petitioner No.1 have got any vested right to stay and as such, prays to set aside the order under challenge.

Considering the facts and circumstances of the case, the order passed by the trial Court, as confirmed by the lower appellate Court, to the extent of sharing the household by the respondent No.1 is hereby set aside. This Court is of the view that instead of shared household, the petitioner No.1 is directed to pay an amount of Rs.3,000/- (Rupees three thousand only) per month to the respondent No.1 for her rental

accommodation from the month of September, 2015, till disposal of the D.V.C., apart from the maintenance amount, if any, as ordered by the trial Court. The trial Court is directed to dispose of the D.V.C., as expeditiously as possible preferably within a period of four months today.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

14.09.2015
pln