

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.12430 of 2016

and

Crl.MP Nos.6415 and 6416 of 2016

R.Srinivasan

..

Petitioner

Vs

S.Anjalidevi @ Amudha

...

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned Principal District Judge, Kanchipuram at Chengalpattu in Crl.R.P.No.2 of 2013 dated 03.12.2015 by confirming the order of the learned Judicial Magistrate, Tambaram in M.C.No.40 of 2010 dated 11.12.2012.

For Petitioner : Mr.S.Sairaman

ORDER

This Criminal Original Petition has been filed to set aside the order dated 03.12.2015 made in Crl.R.P.No.2 of 2013 passed by the learned Principal District Judge, Kanchipuram at Chengalpattu District, confirming the order of the learned Judicial Magistrate, Tambaram in M.C.No.40 of 2010 dated 11.12.2012.

2. Heard the learned counsel for the petitioner.

3. For the sake of convenience, the parties are referred to by their names.

4. It is seen that Anjalidevi (respondent) got married to Srinivasan (petitioner) on 21.10.2009 and their marriage life ran into rough weather and got estranged. Anjalidevi filed an application in M.C.No.40/2010 before the learned Judicial Magistrate, Tambaram under Section 125 Cr.P.C for maintenance and the learned Judicial Magistrate, by an order dated 11.12.2012, directed Srinivasan to pay a sum of Rs.5,000/- per month as maintenance to Anjalidevi. Srinivasan preferred a revision in Crl.RP.No.2/2013 before the learned Principal

District Judge, Kancheepuram at Chengalpet District. The learned Principal District Judge, by order dated 03.12.2015 made in CrI.RP.No.2/2013 confirmed the order of maintenance awarded by the trial court and dismissed the revision petition. Aggrieved by the orders passed by the courts below, Srinivasan is before this Court with the present petition under Section 482 Cr.P.C.

5. Under Section 397(3) Cr.P.C. when once a party approached the Sessions Court by invoking revisional jurisdiction, is precluded from approaching this Court again. However, a petition under Section 482 Cr.P.C. is maintainable, but only under extraordinary circumstances, where there has been gross miscarriage of justice.

6. This Court perused the order passed by the learned Judicial Magistrate, Tambaram and the order passed by the learned Principal District Judge, Kancheepuram at Chengalpet District.

7. Taking into consideration the cost of living index and other aspects, both the Courts below have awarded a sum of Rs.5,000/-per month as maintenance, which in the considered opinion of this Court, cannot be said to be perverse, in the light of the fact that Section 125 Cr.P.C is a beneficial piece of legislation intended to protect deserted women.

8. In the result, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Tambaram.
- 2.The Principal District Judge,
Kancheepuram at Chengalpet.

+1cc to Mr.S.Sairaman, Advocate Sr.33437

CrI.OP No.12430 of 2016

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srg 24/06/2016