

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:
THE HON'BLE MR.JUSTICE C.T. SELVAM

Cr1.R.C.No.1135 of 2016

1.Latha

2.Minor Poovarasu

.. Petitioners

Vs.

Munusamy

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. praying to set aside the order passed in M.C.No.47 of 2014 on 04.07.2016 on the file of Family Court, Dharmapuri insofar as first petitioner is concerned.

For Petitioner : Mr.V.Sakkarapani

For Respondent : No Appearance

O R D E R

This petitioner challenges the order passed in M.C.No.47 of 2014 on 04.07.2016 by Family Judge, Dharmapuri denying maintenance to first petitioner.

2. The case of petitioners is that first petitioner was subjected to mental torture, ill treatment and unable to bear the same, she made an attempt to commit suicide and finally, left the matrimonial home during November 2014. First petitioner/wife informed that she was brought to the All Women Police Station, Dharmapuri when she attempted suicide at the bank of River Cauvery. Court below reasoned that if it be so, the concerned police would have registered a case against her but no such proof has been produced. It went on to inform that if really, first petitioner was subjected to any kind of harassment, she would have insisted on action against respondent. On the other hand, first petitioner had rejoined the respondent on the advice of police. Holding that the burden is upon her to prove the reason for leaving the matrimonial home and informing that the mother of petitioner was examined as P.W.2 but, had failed to disclose what made first petitioner take such drastic step and why no criminal action was taken against respondent, Court below held against first petitioner.

3.Court below directed respondent to pay a sum of Rs.3,000/- p.m for maintenance of second petitioner apart from a sum of Rs.10,000/- towards her educational expenses.

4.Learned counsel for petitioners submitted that there might be any number of reasons, for non registration of a F.I.R. First petitioner is entitled to maintenance and learned Judge erroneously rejected her claim.

5.This Court would set aside the order passed in M.C.No.47 of 2014 on 04.07.2016 by Family Judge, Dharmapuri. Respondent is directed to pay a sum of Rs.2,000/- p.m. as maintenance to first petitioner and another sum of Rs.2,000/- p.m. as maintenance to second petitioner from the date of petition before the Court below.

6.In the result, the criminal revision petition is allowed on the above lines.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To
1. The Family Judge,
Dharmapuri.

+1 cc to Mr.V.Sakkarapani, advocate, sr.62688.

svi(co)
krd 13/2

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