

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.317 of 2017
and
Crl.M.P.No.3010 of 2017

1.Syed Abdul Nazer
S/o.Syed Abdul Rouf

2.Syed Abdul Rouf

3.Noorunishssa

4.Ejaz

5.Suraiya

... Petitioners

1.R.Rizwana Banu

2.Suha Fathima (minor)
represented by her mother and
natural guardian
R.Rizwana Banu

... Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C.
against the judgment of learned XIX Additional Sessions Judge, Chennai,
passed in C.A.No.22 of 2015 on 06.01.2017 confirming the order of learned
XXIII Metropolitan Magistrate, Saidapet, Chennai, passed in Crl.M.P.No.266
of 2010 on 08.01.2015.

For Petitioners : Mr.L.Poompavai

ORDER

This revision arises against the judgment of learned XIX Additional Sessions Judge, City Civil Court, Chennai, passed in C.A.No.22 of 2015 on 06.01.2017 confirming the order of learned XXIII Metropolitan Magistrate, Saidapet, Chennai, passed in Crl.M.P.No.266 of 2010 on 08.01.2015.

2. First petitioner and first respondent are husband and wife. Second respondent is their daughter. Petitioners 2 to 5 are in-laws of first respondent. Respondents moved Crl.M.P.No.266 of 2010 on the file of learned XXIII Metropolitan Magistrate, Saidapet, Chennai, u/s.18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005. Court below, under orders dated 08.01.2015, has granted residential, protection and maintenance order. Court below has also directed the first petitioner to pay a sum of Rs.3,00,000/- towards educational expenses and compensation. Challenging such order, petitioners moved C.A.No.22 of 2015 on the file of learned XIX Additional Sessions Judge, City Civil Court, Chennai, which came to be dismissed under judgment dated 06.01.2017. Hence, this revision.

3. Heard learned counsel for petitioners.

4. In dismissing the appeal, Court below has found that first petitioner/husband is duty bound to maintain his wife and children. Though it was the contention of first petitioner/husband that first respondent/wife is a qualified person, it was also admitted that she resigned her job at the instance of first petitioner/husband. Further, petitioner/husband filed a petition seeking dissolution of marriage and he had also informed divorce by adherence to Triple Talaq. In such circumstances, the amount of Rs.3,00,000/- awarded by trial Court towards compensation and educational expenses was quite reasonable. Likewise, is the order for shared household or a rented premises or payment of a sum of Rs.5,000/- p.m. towards rent. This Court finds no error in the judgment under challenge.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petition is closed.

27.02.2017

Index:yes/no

Internet:yes/no

gm

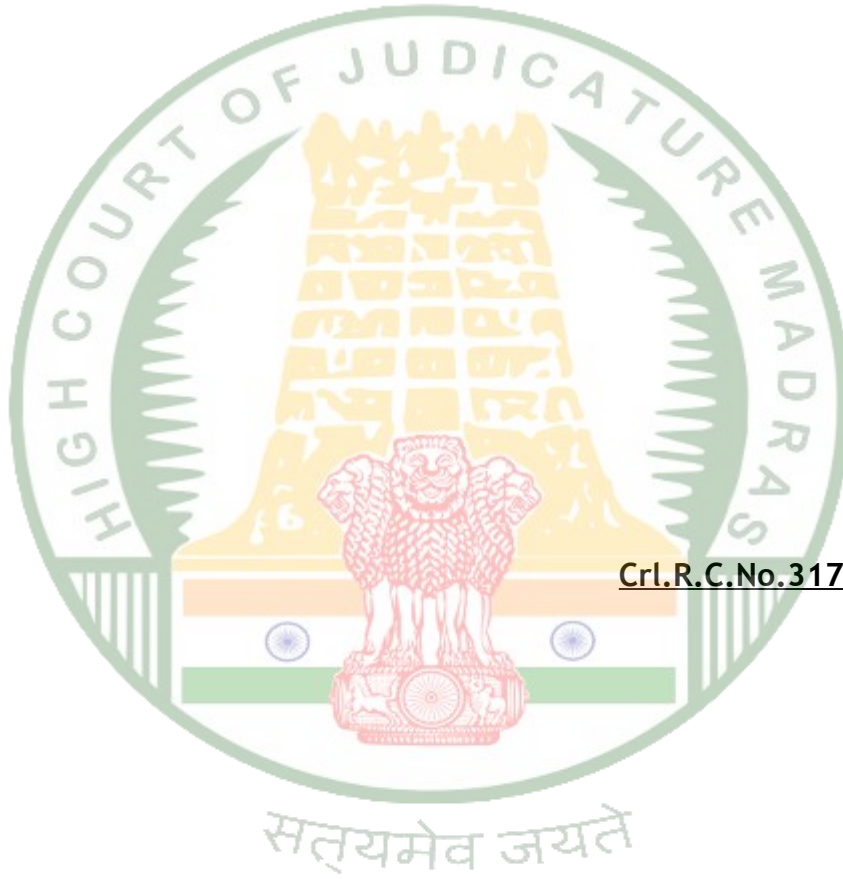
To

1.The XIX Additional Sessions Judge,
Chennai.

2.The XXIII Metropolitan Magistrate,
Saidapet,
Chennai.

C.T.SELVAM, J

gm



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