

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.R.C.No.1031 of 2018

And

Cr1.M.P.No.12168 of 2018

S.Varadharajan

... Petitioner

Vs.

1.Meena

2.Minor V.Kishore

3.Minor V.Rithika

... Respondents

(2nd & 3rd respondent rep by their
Mother and Natural Guardian,
1st respondent)

Prayer:Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code seeking to set aside the order dated 23.06.2017 passed in M.P.No.233 of 2016 in M.C.No.132 of 2016 by the I Additional Judge Family Court at Chennai.

For Petitioners : Mr.N.Senthil Kumar

O R D E R

This criminal revision has been filed against the interim maintenance awarded by the lower Court wherein the respondent/ wife and dependants filed petition under Section 125 (3) of Cr.P.C. before the lower Court claiming maintenance and other expenses and the lower Court directed the petitioner herein to pay a sum of Rs.8,000/- to the respondents herein as interim maintenance.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an electrician and he is earning only a sum of Rs.10,000/- per month and he has to maintain the other dependants also. Hence, he is not able to pay the huge amount of Rs.8,000/- in favour of the respondents and requested this Court to reduce the amount. However, he fairly conceded that the main petition in M.C.No.132 of 2016 is pending consideration.

3.Perusal of the materials available on record discloses

that the marriage between the petitioner and the first respondent was solemnized on 29.10.2006 and out of the wedlock, a male child and a female child were born to them. When the third respondent was in the womb of the first respondent, the first respondent was driven out of the matrimonial home and the petitioner has failed to take care of the respondents. Since the first respondent felt it difficult to take care of herself and her children, she filed the petition under Section 125 (3) of Cr.P.C. before the lower Court. The lower Court after considering the issue elaborately, awarded a sum of Rs.8,000/- as interim maintenance to the respondent and her minor children.

4.I do not find any error or illegality in the order passed by the lower Court. Further it is only an interim maintenance. The petitioner can canvass all the grounds in the main petition. Hence, I am not inclined to interfere with the order impugned in this revision.

5.Accordingly, this criminal revision is dismissed with liberty to the petitioner to raise all the grounds in the pending main petition i.e., in M.C.No.132 of 2016. Consequently, the miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The I Additional Judge,
Family Court at Chennai.

+1cc to Mr. N.Senthil Kumar, Advocate, S.R.No. 64074

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RSK(CO)
GN(04/10/2018)