

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.1049 of 2018
and
Crl.M.P.No.12286 of 2018

R.Victor

... Petitioner

Vs.

1.Priya
2.V.Arthi
3.V.Ashok

(Respondents 2 & 3 are rep. by
their mother and natural guardian,
the 1st respondent)

... Respondents

PRAYER: Criminal Revision petition has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the entire records of M.C.No.402 of 2013 and to set aside the order dated 16.07.2018 passed by the V Addl. Family Court at Chennai and to allow the Revision Petition.

For Petitioner : Mr.S.Dhanusu

ORDER

This Criminal Revision has been filed by the petitioner viz. husband, against the order passed in M.C.No.402 of 2013 on 16.07.2018 by the V Additional Family Court, Chennai.

2.The case of the 1st respondent is that the husband is the petitioner. When they were working in a private concern, they loved each other and their marriage was solemnized as per the Christian rites and the petitioner also tied Thali to the first respondent. They are blessed one male and one female children.

3.After the marriage, there was a family dispute in between the petitioner and the respondent. The entire quarrel arose in between them on the ground that the income earned by the petitioner was not sufficient to run the family. Hence, the first respondent sought permission of the petitioner to allow her to get job for herself, which was refused by the petitioner. Thereafter, the first respondent got employment in Trichy and

she took her children along with her.

4. Therefore, the first respondent along with her minor children had filed the Maintenance Petition under Section 125 Cr.P.C, claiming Rs.10,000/- i.e. Rs.5,000/- to the 1st respondent and a sum of Rs.2,500/- each to the 2nd and 3rd respondents towards monthly maintenance.

5. Considering the case of the petitioner as well as the respondent, the Trial Court awarded Rs.2,000/- to the 1st respondent and Rs.1,500/- each to the 2nd and 3rd respondents towards maintenance, against which the present criminal revision has been preferred.

6. The learned counsel for the petitioner would submit that the petitioner is an Auto driver and he is earning only minimal amount from which he cannot afford to pay Rs.5,000/- to the respondents. The petitioner would further submit that he is ready to maintain his children. Since, the 1st respondent voluntarily deserted the petitioner, she is not liable for any maintenance, accordingly, prays for allowing this criminal revision.

7. On a perusal of the entire records, it is seen that the 1st respondent has claimed a sum of Rs.10,000/- for maintenance of her and her children. The Trial Court has totally awarded only Rs.5,000/- i.e. Rs.2,000/- to the 1st respondent and Rs.1,500/- each to the 2nd and 3rd respondent, which is just and reasonable. Hence, this court did not find any infirmity or illegality in the order passed by the Trial Court.

8. Thus, the petitioner is hereby directed to deposit the entire arrears amount within a period of four weeks to the credit of M.C.No.402 of 2013, which shall be disbursed to the 1st respondent. The petitioner shall also continue to pay a sum of Rs.5,000/- every month to the respondents as awarded by the Trial Court.

9. Accordingly, this Criminal Revision stands dismissed at the SR stage itself. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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TO:

The V Additional Judge,
Family Court, Chennai

+1cc to Mr.S.Dhanusu, Advocate sr.no.64514

CRL RC No.1049 of 2018

nr 12/10/2018



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