

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.543 of 2013
& M.P.No.1 of 2013

S. Raghupathy

...Petitioner/Respondents

Vs.

1. Tmt. Usharani
2. Selvi. R.Kavipriya
3.Selvi. R. Dhivya

...Respondents/ Petitioner

PRAYER: This Criminal Revision Case filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order passed in M.C.13 of 2011 dated 02.01.2013 on the file of the Judicial Magistrate Court, Thiruthuraipoondi in Thiruvarur District.

For Petitioner : Mr.K.M.Subramaniam
For Respondents : Mr.K.V.Sridharan

O R D E R

The Criminal Revision Case has been filed by the revision petitioner to set aside the order passed in M.C.13 of 2011 dated 02.01.2013 on the file of the Judicial Magistrate Court, Thiruthuraipoondi in Thiruvarur District.

2.The 1st respondent herein is the wife of the revision petitioner and they got married on 12.12.1984. Out of the wedlock, the respondents 2 and 3 were born. At the time of marriage, the 1st respondent was provided with 10 sovereign gold jewels and other sridhana items by his parents. While so, due to strained relationship between the revision petitioner and the 1st respondent, they are living separately. Further the revision petitioner has not taken care of the respondents. Therefore, the respondents have filed a maintenance petition under Section 125 of Cr.P.C in M.C.No.13 of 2011 before the learned Judicial Magistrate Court, Thiruthuraipoondi in Thiruvarur District.

3. After conducting trial, the learned Judicial Magistrate Court, Thiruthuraipoondi in Thiruvarur District, directed the revision petitioner to pay a sum of Rs.3,000/- to 1st respondent and to pay a sum of Rs.2,000/- each to the 2nd and 3rd respondents. As far as the 1st respondent is concerned the revision petitioner has to pay the maintenance amount till her life time and for the 2nd and 3rd respondents, till their marriage.

4. Against the order of the learned Judicial Magistrate Court, Thiruthuraipoondi in Thiruvarur District in M.C.No.13 of 2011 dated 02.01.2013, the revision petitioner is before this Court with this present Criminal Revision Case.

5. The learned counsel for the revision petitioner would submit that only from the earnings of the petitioner the 2nd and 3rd respondents have got their higher education by incurring private loans for the expenses of education. Further the revision petitioner has contributed for the purchase of plot and constructed the house, which is mostly under the occupation of the respondents and a room is only under the usage of the revision petitioner. The revision petitioner being employed in Tamil Nadu Electricity Board, receiving salary of Rs.7,000/- out of all his deductions. Hence he is not in a position to abide by the order of the learned Judicial Magistrate, Thiruthuraipoondi in Thiruvarur District. Therefore prays to set aside the order passed in M.C.No.13 of 2011 dated 02.01.2013.

6. The learned counsel appearing for the respondents would submit that at the time of filing the Criminal Revision Case, the respondents 2 and 3 were not employed and also no married. They do not have any means to maintain themselves. Therefore, they filed a maintenance petition before the learned Judicial Magistrate, Thiruthuraipoondi in Thiruvarur District.

7. Heard both sides and perused the materials available on record.

8. Though it is admitted by both the counsels as subsequent to the filing of this Criminal Revision Case, the 2nd and 3rd respondent have got employed and also got married, but both the counsels are not in a position to mention the date of either employment or marriage of the 2nd and 3rd respondent. At the time of filing of maintenance petition the revision petitioner and the respondents are lived separately. On reading of the entire evidences, it is clear that the revision petitioner is working in Tamil Nadu Electricity Board and the 2nd and 3rd respondents have no means to maintain themselves. Therefore there is no

merit in the Criminal Revision Case. Hence this Court does not wants to interfere in the order passed by the learned Judicial Magistrate, Thiruthuraipoondi in Thiruvarur District in M.C.No.13 of 2011 dated 02.01.2013. However, both the counsels have admitted that both the 2nd and 3rd respondents have got employed and married. But they have not produced any documentary evidence.

9. The learned counsel for the revision petitioner is directed to deposit the entire arrears amount belongs to the 1st respondent before the learned Judicial Magistrate, Thiruthuraipoondi in Thiruvarur District, within a period of three months from the date of receipt of copy of this order also deposit the arrears amount belongs to the 2nd and 3rd respondents till the date of their employment or marriage whichever is earlier, if the counsel for the petitioner produces any supporting documentary evidences that the 2nd and 3rd respondents have got employment or married.

10. With the above observation, the Criminal Revision Case is dismissed. Consequently connected miscellaneous petition is clsoed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court,
Thiruthuraipoondi, Thiruvarur District.

2.-do-thro' The Chief Judicial Magistrate,
Thiruvarur.

3.The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to Mr.K.V.Sridharan, Advocate, S.R.No.66772

+1cc to Mr.K.M.Subrahmaniam, Advocate, S.R.No.67008

Cr1.R.C.No.543 of 2013
& M.P.No.1 of 2013

SKV(CO)
GSP(04/12/2018)