

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2018

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.31308 of 2012
and
M.P.No.1 of 2012

Mr.R.K.Senthilnathan @ Senthilkumar ... Petitioner

Vs.

1. Arulmozhi
2. Minor S.Nidharsha Respondents
(R2 Rep. by her mother R.)

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by The Principal Sessions Judge Erode in Crl.R.P.No.12 of 2012 dated 26.09.2012.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents: Mr.R.GaneshKumar for R1

: R2 -No Appearance

O R D E R

The petitioner is the respondent in M.C.No.8 of 2009 on the file of the learned Judicial Magistrate, Perundurai.

2. The first respondent viz., Arulmozhi and the second respondent minor S.Nidharsha filed a petition before the learned Judicial Magistrate, Perundurai, seeking maintenance from the present petitioner and the said petition was allowed on 6.03.2012 by the learned District Munsif-cum-Judicial Magistrate, Perundurai.

3. The petitioner herein was directed to pay a sum of Rs.2,500/- each to the respondents herein. Aggrieved over the orders passed by the learned District Munsif-cum-Judicial Magistrate, Perundurai, the present petitioner filed a Revision in Crl.R.P.No.12/2012 before the learned Principal Sessions Judge, Erode and the said petition was dismissed on 26.09.2012 and the learned Principal Sessions Judge, Erode also upheld the orders passed by the District Munsif-cum-Judicial Magistrate, Perundurai. Now, the present petition has been filed by the petitioner to set aside the orders passed by the learned Principal Sessions Judge, Erode in Crl.R.P.No.12/2012 dated 26.09.2012.

4. The main contention of the petitioner is that since he does not have any job, and the respondent is also earning a sum of Rs.7,500/- per month, cannot claim any maintenance from him.

5. A perusal of the records shows that there was some Matrimonial discord between the present petitioner and the first respondent, which resulted in filing of HMOP by the present petitioner seeking for a decree of divorce. The respondents filed a petition in MC.No.8/2009 before the District Munsif-cum-Judicial Magistrate, Perundurai praying to direct the present petitioner to pay maintenance. After analyzing the entire evidence on record, a sum of Rs.2,500/- was directed to be paid to the respondents 1 and 2 and in the revision petition in Crl.R.P.No.12 of 2012, the orders passed in MC.No.8/2009 was upheld by the learned Principal Sessions Judge, Erode. Both the Courts below after analysing the evidence in proper perspective, observed that the present petition liable to pay maintainable to the respondent herein. The reasons adduced by both the Courts below are cogent and acceptable.

6. In the facts and circumstances of the present case, I do not want to dwell deep into the facts and evidence of the case once again, and suffice it to say that the orders passed by the Principal Sessions Judge, Erode, is well founded. Therefore, I do not find any reason to interfere with the orders passed by the learned Principal Sessions Judge, Erode.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

dna
To

1. The District Munsif Cum Judicial Magistrate
Perundurai.
2. The Thro Chief Judicial Magistrate Erode.
3. The Principal Sessions Judge Erode.
+ 1 cc to Mr.R. Ganeshkumar, Advocate Sr.54651

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(Audit)

EU (06/09/2018)

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