

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Crl.O.P.No.31077 of 2013
and
M.P.Nos.1 & 2 of 2013

S.Kumarasamy

...Petitioner

Versus

1.P.Kavitha @ Jeevika
2.Minor Preena
Minor Preena rep by her
mother P.Kavitha

...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to set aside the order in C.R.P.No.21 of 2012 dated 12.04.2013 on the file of Principal District and Sessions Judge, Namakkal confirming the order dated 06.09.2012 made in M.C.No.6 of 2009 on the file of Judicial Magistrate Court, Tiruchengode, Namakkal.

For Petitioner : Mr.V.P.K.Gowtham
For Respondents : Mr.N.Manokaran
for Mr.P.Kavirinadan

ORDER

The respondents herein have filed a petition in M.C.No.6 of 2009 under Section 125 Cr.P.C before the learned Judicial Magistrate, Tiruchengode, directing the petitioner herein to pay a sum of Rs.5,000/- each to the respondents herein towards maintenance. After full contest, the said petition was allowed by the learned Judicial Magistrate, Tiruchengode, vide order dated 06.10.2012 directing the present petitioner to pay a sum of Rs.3,500/- for the minor child and Rs.1,500/- for the first respondent (wife of the petitioner). Thereafter, the present petitioner preferred a Civil Revision Petition in C.R.P.No.21 of 2012 before the learned Principal District and Sessions Judge, Namakkal against the order passed by the Judicial Magistrate, Tiruchengode in M.C.No.6 of 2009 on 06.10.2012. The learned Principal District and Sessions Judge, Namakkal after considering the entire materials on record dismissed the aforesaid Criminal Revision Petition and also upheld the orders passed by the trial Court.

2. The main contention of the learned counsel for the petitioner is that both the Courts below did not appreciate the fact that the present petitioner filed in H.M.O.P.No.49 of 2009 for restitution of conjugal rights and also the fact that the

first respondent is earning a sum of Rs.7,000/- per month as a teacher in a private school.

3. A perusal of the orders passed by the learned Principal District and Sessions Judge, Namakkal shows that the H.M.O.P.No.219 of 2002 filed by the petitioner herein for restitution of conjugal rights was considered. In fact, the learned Principal District and Sessions Judge, Namakkal has observed that eventhough, the petitioner herein is living with the respondents, he has filed the said petition with a criminal intention. The financial background of the first respondent herein was also considered by the learned Principal District and Sessions Judge, Namakkal and directed the petitioner herein to pay a sum of Rs.3,500/- for the second respondent herein and a sum of Rs.1,500/- for the first respondent towards their maintenance.

4. The order passed by the learned Principal District and Sessions Judge, Namakkal is well founded and does not warrant interference by this Court. In the facts and circumstances of the case, I do not find any reason to allow this petition and accordingly, the same is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District
and Sessions Judge,
Namakkal

2 The Judicial Magistrate,
Tiruchengode,
Namakkal

+1cc to Mr.N.Manokaran, Advocate, S.R.No.45039

Cr1.O.P.No.31077 of 2013

NRL (CO)
SMI/02.08.2018