



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrl.O.P. (MD) No.20322 Of 2015

K.Vijayakumar

... Petitioner/Petitioner

Vs.

C.Bhagavathi Ammal @ Lalitha

... Respondent/Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to set aside the order passed in R.P. No.24 of 2013 dated 01.07.2015 on the file of the District and Sessions Court, Kanyakumari District at Nagercoil.

For Petitioner : Mr.C.Sankar Prakash

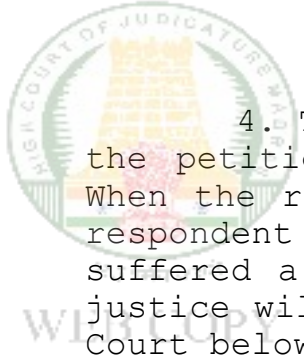
For Respondent : Mr.S.Meenakshi Sundaram

ORDER

The petitioner and the respondent got married in the year 1985. Two children were born through the wedlock. The respondent had alleged that the petitioner herein set her afire in the year 2001 and that she was in hospital for about three months. The respondent filed M.C.No.29 of 2011 before the Chief Judicial Magistrate, Kanyakumari District, seeking the relief of maintenance under Section 125 of Cr.P.C. The learned trial Magistrate by order dated 22.07.2013 directed the petitioner herein to pay a sum of Rs.3,000/- per month. The same was put to challenge before the Sessions Court in R.P.No.24 of 2013. The Sessions Court dismissed the revision case on 01.07.2015. Challenging the same, this criminal original petition came to be filed.

2. The learned counsel appearing for the petitioner states that the Sessions Court had dismissed the R.P. for default and he wanted this Court to remand the matter to the file of the Sessions Court.

3. Technically, the petitioner's contention is right. The revision case can only be dismissed on merits. The revisional Court has to go through the records and pass an order on merits. In this case, the revisional Court has failed to do so. The question is to whether on that ground the matter has to be remanded. I independently went through the records. It is seen that the respondent had suffered severe disfigurement throughout her body including her face. The respondent obviously is not in a position to even maintain herself. The relationship between the parties is admitted.



4. The petitioner's counsel states that the children are with the petitioner. The children should have been attained majority. When the relationship between the parties is admitted and when the respondent cannot maintain herself and when it is seen that she had suffered a major fire accident, I am of the view that interest of justice will be better served by confirming the order passed by the Court below. No interference is called for.

5. The criminal original petition stands dismissed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The District and Sessions Judge,
Kanyakumari District at Nagercoil.

Cr1.O.P. (MD) No.20322 of 2015
12.12.2019

AP (05/06/2020) 2P 2C