

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.6018 of 2015

V.Bhaskaran

... Petitioner

.Vs.

Suganthi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call of learned Trial Court and First Appellate Court orders passed in M.C.No.5 of 2006, on the file of the Judicial Magistrate No.II, Udumalpet dated 30.11.2011 and whereby confirming the judgment of the trial Court in Cr.P.No.5 of 2012, on the file of the learned I Additional District and Sessions Judge, Tiruppur dated 25.07.2013 and set aside the same.

For Petitioner : Mr.C.Ananda Ramani

O R D E R

This Criminal Original Petition has been filed challenging the Order passed by the Court below allowing the maintenance petition filed by the respondent and fixing the monthly maintenance at a sum of Rs.2000 p.m.

2.The respondent initiated proceedings against the petitioner under Section 125 of Cr.PC., seeking for maintenance. The Court below after considering the facts and circumstances of the case and after taking into consideration the income of the petitioner, fixed the monthly maintenance at a sum of Rs.2000 p.m. This order was confirmed by the learned I Additional District and Sessions Court, Tiruppur, by an order dated 25.07.2013. Aggrieved by the same, the present petition has been filed.

3.The learned counsel for the petitioner submitted that both the Court below did not take into consideration the fact that the petitioner had paid a permanent alimony to the respondent and concealing the same, the respondent had proceeded to claim for maintenance against the petitioner. The learned counsel further submitted that the petitioner has been complying with the order passed by the Court below.

4.This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same. This Court does not find that the amount fixed by the Courts below to be excessive and a very minimum amount has been fixed as monthly maintenance and the petitioner is duty bound to pay the same.

In the result, this Criminal Original Petition is dismissed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

KP

To

1. Judicial Magistrate No.II,
Udumalpet.

2. Do Thro The Chief Judicial Magistrate, Coimbatore District

3. The I Additional District and
Sessions Judge, Tiruppur.

Cr1.O.P.No.6018 of 2015

LN (CO)

SP (26/08/2019)

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