

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.20951 of 2019
and
Cr1.M.P.No.10808 of 2019

A.Selvarangam

... Petitioner

Vs.

1.Vasanthi

2.Selva Anosh Sakthidevi

3.Selva Yokesh Sakthidevi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in order dated 19.06.2018 passed in C.R.P.No.1 of 2018 passed by II Additional District and Sessions Court, Chidambaram which was modified order dated 08.12.2017 in M.C.No.2 of 2014 passed by Learned Judicial Magistrate No.II, Chidambaram and setaside the same.

For Petitioner : Mr.A.D.Janarthanan

ORDER

This petition has been filed challenging the order passed by the Court below in C.R.P.No.1 of 2018, partly confirming the order passed by the Trial Court in M.C.No.2 of 2014.

2.The respondents filed a petition for maintenance under Section 125 of Cr.P.C against the petitioner. The Trial Court by an order dated 08.12.2017, directed the petitioner to pay the monthly maintenance of Rs.4,000/- to each of the respondent and in total the petitioner was directed to pay a sum of Rs.12,000/- every month. Aggrieved by the same, the petitioner filed C.R.P.No.1 of 2018 before the Court below and the Court below after considering the entire facts and circumstances of the case and the materials placed on record, was pleased to confirm the order passed by the Trial Court, in so far as the first and third respondents are concerned. In so far as the second respondent is concerned, the Court below had set aside the order passed by the Trial Court. Aggrieved by the same, the petitioner had approached this Court.

3.The learned Counsel for the petitioner submitted that subsequently an execution petition was filed by the respondents

and the petitioner had been paying the maintenance as fixed by the Court below. The learned Counsel submitted that two of the respondents have already become major and they are also earning and therefore there is no requirement to pay the maintenance to them. The learned Counsel further submitted that the petitioner is also now aged 67 years and he is not in a position to pay the maintenance fixed by the Court below and he does not have the income to pay the maintenance.

4.The grounds raised by the petitioner in this petition, cannot taken into consideration for the purpose of interfering with the order passed by the Court below. This is more so due to the fact that the petitioner has claimed to be complying with the orders passed by the Court below and paying the maintenance. If there is any change in circumstances, the petitioner has to file a petition under Section 127 of Cr.P.C and seek for modification/alteration in the payment of maintenance.

5.In the result, this Criminal Original Petition is dismissed and liberty is granted to the petitioner to file an appropriate petition under Section 127 of Cr.P.C. by referring to the change in circumstances and seek for alteration/cancellation/modification of the maintenance fixed by the Court below. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge,
Chidambaram.

2.The Judicial Magistrate No.II,
Chidambaram.

+1 cc to M/s.A.D.Janarthanan,Advocate Sr.No. 66704

AKM/14.09.19/2P- 4C /

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