

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.03.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.18576 of 2014
and
M.P.No.1 of 2014

P.Radhakrishnan

... Petitioner

Vs.

1.Tmt.Premalatha

2.Minor Krishnakanth

3.Minor Krishnapriya

(R2 & R3 rep.by their mother Premalatha R1) ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the impugned order passed in Crl.R.P.No.8/2013, dated 19.06.2013 by the 1st Additional District/Sessions Court, Coimbatore District, Coimbatore by confirming the order passed in M.C.No.7 of 2009 by Judicial Magistrate Court, Pollachi and set aside the same.

For Petitioner : Mr.S.Sivakumar

For Respondents : No appearance

O R D E R

This petition has been filed challenging the order dated 19.06.2013 passed in Crl.R.P.No.8 of 2013 by the 1st Additional District/Sessions Court, Coimbatore, thereby confirming the order passed in M.C.No.7 of 2009 by the learned Judicial Magistrate, Pollachi.

2.The petitioner and the 1st respondent are husband and wife and the 2nd and 3rd respondents are their son and daughter respectively. There was misunderstanding between the petitioner and the 1st respondent, the petitioner filed HMOP.No.92 of 2005 before the Sub-Court, Dindigul seeking for divorce, and an exparte order was passed in favor of the petitioner. Thereafter, the 1st respondent filed HMOP.No.63 of 2006 for restitution of conjugal rights and the same was dismissed for default. After disposal of the above two cases, the 1st respondent filed an application for interim maintenance and the same has been ordered by the Sub-Court, Dindigul, directing the petitioner to pay Rs.500/- as interim maintenance to respondent 1 to 3. Aggrieved by the meagre amount, the 1st respondent filed an application under Section 125 Cr.P.C., before the learned

Judicial Magistrate-I, Pollachi in CMP.No.07 of 2998 and the learned Judicial Magistrate passed an order dated 20.12.2012, directing the petitioner to pay a sum of Rs.2,000/- each to respondents 1 to 3 in total a sum of Rs.6,000/- monthly. Challenging the same, the petitioner filed Crl.R.P.No.08 of 2013 before the 1st Additional Sessions Judge, Coimbatore, and the same was dismissed confirming the order passed by the learned Judicial Magistrate-I, Pollachi on 20.12.2012. Hence, the petitioner has filed the present petition with the aforesaid prayer.

2.Heard both sides.

3.Considering the facts and circumstances of the case and also on perusal records, there is absolutely no infirmity or illegality in the order passed by the Court below. Further it is a case of maintenance on the respondents/wife and minor children. The amount of maintenance of Rs.6,000/- per month is very meagre amount. Therefore, this Court does not find any merits in this case. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The 1st Additional District / Sessions Court,
Coimbatore District, Coimbatore.

2.The Judicial Magistrate Court,
Pollachi.

Copy To: The Section Officer,
Criminal Section, High Court, Madras.

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RR(CO)
CSL/02.07.2019