

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 25.04.2019
CORAM:THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.1264 of 2017 and
Crl.M.P.Nos.12279 of 2017

Venkat @ Venkat Subramaniyan

...Petitioner

-Vs-

1. Vishnuramani

2. Minor Jeyachandran

...Respondents

This Criminal Revision case is filed under Sections 397 read with Section 407 of Cr.P.C. to set aside the orders passed in MC.No.21 of 2004 on the file of Chief Judicial Magistrate, Perambalur, dated 09.03.2017.

For Petitioner : Mr. G. Surya Narayanan
For Respondents : Mr.S.V.Karthikeyan

O R D E R

This criminal revision has been filed to set aside the order passed in MC.No.21 of 2004 on the file of Chief Judicial Magistrate, Perambalur, dated 09.03.2017.

2. The Revision petitioner is the husband and the first respondent is the wife, the second respondent is the minor child.

3. The husband filed a petition for divorce in H.M.O.P.No. 42 of 2008, before the learned Subordinate Judge, Perambalur, and subsequently, the wife filed a petition in H.M.O.P.No.172 of 2008, before the same Court for restitution of conjugal rights and she also filed an interlocutory application in I.A.No.15 of 2009 in H.M.O.P.172 of 2008, for interim maintenance and the same was allowed by granting interim maintenance of Rs.5,000/-.

4. The learned Judge after adverting to the materials placed on record dismissed the H.M.O.P.No. 42 of 2008 filed by the husband for divorce and allowed H.M.O.P.No.172 of 2008 filed by the wife for restitution of conjugal rights.

5. Challenging the dismissal order passed in H.M.O.P.No. 42 of 2008, the husband filed a Civil Miscellaneous appeal before the District Court, and the same is pending.

6. The respondents filed case in M.C.No.21 of 2014 under Section 125 of Cr.P.C before the Chief Judicial Magistrate, Perambalur by an order dated 09.03.2017, the Chief Judicial Magistrate, Perambalur directed the husband to pay Rs.3,000/- per month to first respondent/wife and Rs.2,000/- per month to the second respondent/minor son. Challenging the said order, the present revision is filed.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. The relationship between the wife and husband are not in dispute, paternity of the child is also not in dispute and as on date, the first respondent/wife and the revision petitioner/husband are living separately. Therefore, under these circumstances the trial Court awarded Rs.3,000/- as interim maintenance for wife and Rs.2,000/- for minor son are reasonable and therefore, there is no perversity in the order passed by the Magistrate.

9. With the above observations, the criminal revision is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

smn

To

The Chief Judicial Magistrate, Perambalur

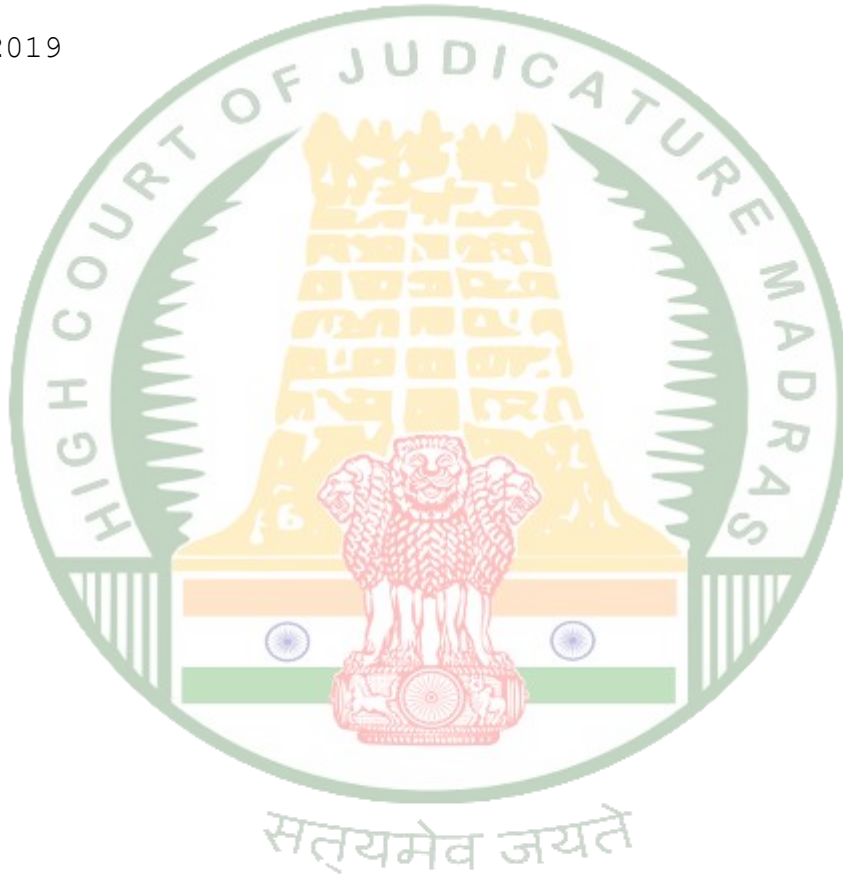
copy to:

The Section Officer,
Criminal Section,
High Court, Madras

+1cc to Mr.S.V.Karthikeyan, Advocate sr.40731

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