

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1323 of 2018 and
Crl.M.P.No.15586 of 2018

Selvamani ... Petitioner /Respondent

Vs

1.Umadevi

2.Minor Sowmiya

3.Minor Divya ... Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Family Court Judge, Ariyalur in F.C.M.C.No. 10 of 2017 and set-aside the order dated 04.09.2018.

For Petitioner : Mr.C.Sivanesan

For Respondents : No appearance

O R D E R

This criminal revision case has been filed to call for the records of the learned Family Court Judge, Ariyalur in F.C.M.C.No.10 of 2017 and set-aside the order dated 04.09.2018.

2. The petitioner is the husband and the 1st respondent is his wife and the 2nd and 3rd respondents are the minor daughters of them. The marriage between the petitioner and the 1st respondent was solemnized on 06.06.1999. After the marriage, they lived together in the Matrimonial home and they have blessed with two female children. Later, due to the difference of opinion the 1st respondent left the Matrimonial home along with two minor daughters.

3. Subsequent to that, the 1st respondent filed a petition under Section 125 Cr.P.C, before the Family Court, Ariyalur, in F.C.M.C.No.10 of 2017. After elaborate enquiry the learned Family Court Judge, Ariyalur, awarded a sum of Rs.5,000/- per

month to the 1st respondent/wife and Rs.2,500/- each per month to the 2nd and 3rd respondents/Minor daughters as maintenance. As against the said order, the petitioner herein has filed a present Revision Case before this Court. More over, the 1st respondent filed a petition under Domestic Violence Act, in DVC.No.04 of 2013, and the same was compromised and settled before the lok Adalat.

4. The learned Counsel for the petitioner would submit that, the 1st respondent left the Matrimonial home along with 2nd and 3rd respondents without any valid reason. More over, the petitioner has responsibility to take care of his aged parents and widowed sister. The petitioner is getting a salary Rs.22,000/- per month. The amount awarded by the trial Court against the petition under Section 125 of Cr.P.C., by the 1st respondent is very excessive. So, he prays to allow this Revision case.

5. Heard the learned counsel for the petitioner, perused the materials available on record.

6. Considering the facts and circumstances of this case, petitioner having sufficient means and neglects to maintain his wife and children as a dutiful husband as well as the father, he has the responsibility to take care of his wife and children. The respondents unable to maintain themselves. Further, this Court feels that the amount awarded by the trial Court towards maintenance is very reasonable. This Court Finds that there is no merits in this Revision Case. Accordingly, this Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

sbn/tta

To

The Judge,
The Family Court Judge,
Ariyalur

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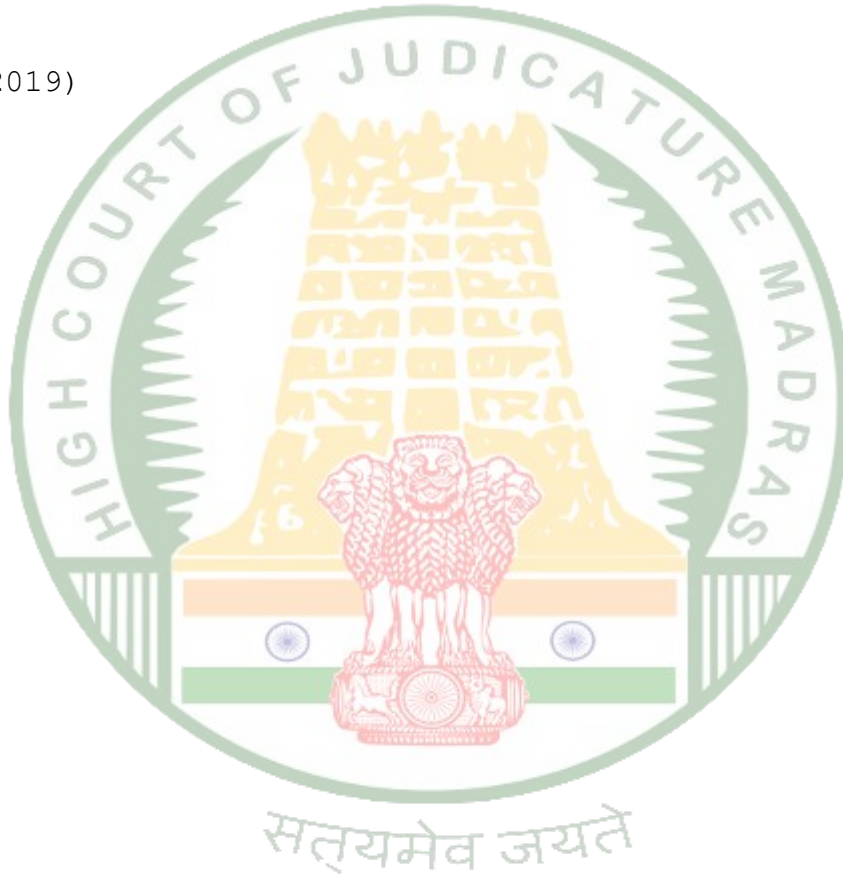
Copy TO

The Section Officer,
Criminal Section,
High Court, Madras.

+lcc to Mr. M.Baskaran, Advocate, S.R.No. 14996

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GN(10/04/2019)



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