

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.40 of 2020
and
Crl.M.P.No.195 of 2020

1.P.Venkatesan
2.Palaniyayi
3.Sivagami
4.Radhakrishnan Petitioners
Vs.
S.Sakthi Lakshmi Respondent

Prayer:Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed by the Judicial Magistrate at Alandur in C.M.P.No.3892 of 2019 in D.V.C.No.5 of 2018 dated 31.10.2019.

For Petitioners : Mr.P.Bakiyaraj
For Respondent : No appearance

O R D E R

The first petitioner herein is the husband and the respondent herein is the wife. The marriage between them took place in the year 2012. Due to a matrimonial dispute between them, the wife left the matrimonial home. Thereafter, the respondent-wife filed a petition before the Judicial Magistrate, Alandur under the Protection of Women from Domestic Violence Act ("Domestic Violence Act" in short) in D.V.C. No.5 of 2018, praying to enquire her husband and his family members under the Domestic Violence Act and for a direction to the husband to pay a compensation of Rs.30 lakhs to her. Pending disposal of the same, the wife has filed a petition in C.M.P.No.3892 of 2019 in the case filed under the Domestic Violence Act, praying to pass an order directing the husband to pay an interim maintenance amount of Rs.10,000/- per month to her, under Section 23 of the Domestic Violence Act. Considering the facts and circumstances of the case, the Trial Court passed the impugned order directing the first petitioner to pay a monthly maintenance of Rs.7,000/- to the

respondent. Challenging the same, the present Criminal Revision Case has been filed by the petitioners.

2.The learned counsel for the petitioners has submitted that challenging the impleadment of the parents of the first petitioner (husband) in the proceedings under the Domestic Violence Act, the petitioners have filed a Criminal Original Petition, wherein their presence have already been dispensed with. He further submitted that the case filed under Domestic Violence Act by the respondent, is only to extract money from the first petitioner. It is further submitted that the first petitioner will go before the Trial Court for proceeding along with the case in D.V.C.No.5 of 2018. The learned counsel has finally submitted that due to financial constraints, the first petitioner is not in a position to make payment of the maintenance amount to the respondent as ordered by the Trial Court and hence the same has to be reduced.

3.There is no representation on behalf of the respondent, even though the name of the respondent is printed in the cause list.

4.Considering the submissions made by the learned counsel for the petitioners and also the facts and circumstances of the case, this Court deems it fit to direct the first petitioner to pay a sum of Rs.5,000/- as monthly maintenance amount to the respondent hereafter, ie., from the month of February 2020, regularly without any default, payable on or before 5th of every succeeding English Calendar month, till the disposal of the case in D.V.C.No.5 of 2018 pending on the file of the Judicial Magistrate, Alandur. Further, the Judicial Magistrate, Alandur is directed to dispose of the case in D.V.C.No.5 of 2018 on merits and in accordance with law, after affording opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order.

5.The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate, Alandur, Chennai.

Copy to :

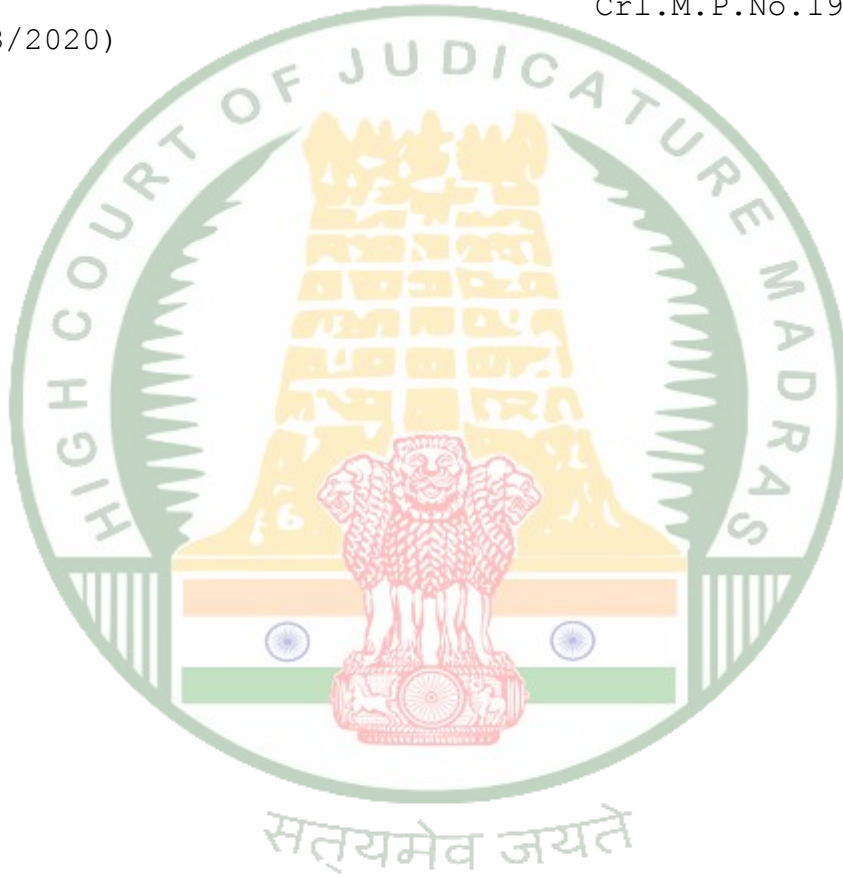
The Section Officer,
Criminal Section,

High Court, Madras

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and

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A.SK(11/03/2020)



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