

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.R.C.No.242 of 2018 and

CrI.M.P.No.2496 of 2018

Kalyanasundaram .. Petitioner/Respondent/Accused

Vs

Tamilarasi ... Respondent/Petitioner/Complainant

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 20.11.2017 made in F.C.M.C.No.33/2017 on the file of the Family Court, Dharmapuri.

For Petitioner :Mr.P.M.Jayachandran
For Respondent :Mr.J.Bharathiraja

ORDER

The order dated 20.11.2017 passed by the learned Judge, Family Court, Dharmapuri, in F.C.M.C.No.33 of 2017, fixing the maintenance at Rs.5,000/- per month in favour of the respondents/wife, is under challenge, at the instance of the petitioner / husband, by way of the present Criminal Revision Case.

2.By order dated 20.02.2018, this Court, while admitting this Criminal revision, has granted an order of interim stay on condition that the petitioner shall deposit the arrears of maintenance at the rate of Rs.4,000/- per month from the date of filing the maintenance case, within a period of three weeks from the date of receipt of a copy of the order.

3.When the matter was called today, the learned Counsel for the respondent submitted that the order passed by this Court dated 20.02.2018 has not been complied with by the petitioner.

4.On the other hand, the learned counsel for the petitioner submitted that the financial position of the petitioner is not sound and hence, he is unable to comply with the condition imposed on him. He further submitted that the respondent/wife is working in a Noon-meal Centre and is getting a considerable

income per month, by which she is capable of maintaining herself and hence, she is dis-entitled to claim maintenance.

5. Heard the rival submissions and perused the materials placed before this Court.

6. The object of Section 125 Cr.P.C is to compel a man to perform the moral obligation, which he owes to the society in respect of his wife, children, father and mother, who are unable to maintain themselves. As such, the petitioner, who is bound to maintain the respondent, cannot wriggle out of the said responsibility, citing his financial inability. Hence, the defiance on the part of the petitioner as regards the non-payment of maintenance to the respondent, cannot be countenanced by this Court.

7. The Family Court, after hearing both sides and upon perusal of the materials available on record, has awarded a reasonable sum of Rs.5,000/- per month to the respondent towards maintenance, which in the opinion of this Court, does not call for any interference.

8. Accordingly, this Criminal Revision is dismissed. It is open to the respondent to proceed against the petitioner for recovery of the maintenance amount. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsi/rk

To

The Family Court, Dharmapuri.

copy to

The Section Officer

Criminal Section

High Court Madras

Cr1.R.C.No.242/2018

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