

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1389 of 2017

and

Crl.M.P.No.13619 of 2017

Selvamurugan

.. Petitioner

Vs

1. Rathi

2. Minor Manikandan

3. Minor Manmadhan

Minors are represented by their mother/
next friend Rathi

.. Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 26.09.2017 made in F.C.M.C.No.3 of 2017 on the file of the Family Court, Ariyalur.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.Usha Ramman

ORDER

The petitioner herein is the husband and the first respondent is the wife. Due to a matrimonial dispute between them, they are living separately. While the petitioner filed a petition in HMOP No.54 of 2017 before the Family Court, Ariyalur, seeking divorce, the respondents filed a petition in M.C.No.27 of 2016 before the Chief Judicial Magistrate Court, Ariyalur, seeking maintenance, which was subsequently transferred to the file of the Family Court, Ariyalur and re-numbered as M.C.No.3 of 2017. Considering the materials available on record, the Family Court ordered the petitioner herein to pay a monthly maintenance of Rs.3,000/- to each of the respondents on or before 5th of every succeeding English calendar month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the Family Court, without appreciating any material in connection with the avocation and salary of the petitioner, has erred in holding that the petitioner is earning a sum of Rs.1,38,000/- per annum and passed the impugned order directing him to pay a monthly maintenance amount of Rs.3,000/- each, in totaling Rs.9,000/- to the respondents. The learned counsel also submitted that the petitioner is working under the Mahathma Gandhi National Rural Development Scheme (100 days coolie work) and earning only a meagre sum, whereas the first respondent is under the care and protection of her mother and is leading a luxurious life. Hence, he sought to set aside the said order passed by the Family Court.

3.The learned counsel for the respondent has submitted that the Family Court has considered the materials on record in a proper perspective and ordered the maintenance amount to the respondents and hence the same does not require any interference in the hands of this Court.

4.Heard both sides and perused the material available on record.

5.The object of the provisions of Section 125 Cr.P.C. is to provide for a social justice falling within the swim of Article 15(3) and 39 of the Constitution of India, which have been enacted to protect the weaker section of the society like women and children. It is in the form of secular safeguard irrespective of personal law of the parties. The object is to compel a man to perform moral obligations towards the society in respect of maintaining his wife, children and old parents so that they may not face destitution and become the liability of the society or may be forced to adopt a life vagrancy, immorality and crime for their subsistence or go astray (vide Begum Subanu @ Saira Banu v. A.M.Abdul Gafoor, AIR 1987 SC 1103).

6.After a threadbare analysis of the documents filed in the typed set of papers, including the order impugned herein, this Court is of the view that the Family Court has considered all the materials placed before it and awarded a reasonable sum of Rs.3,000/- each towards monthly maintenance to the respondents, which is bound to be paid by the petitioner/husband. Hence, there is no ground made out by the petitioner, warranting interference in the well considered order of the Family Court.

7.Accordingly, this Criminal Revision stands dismissed, leaving it open to the respondents to recover the monthly

maintenance including arrears in the manner known to law.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

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To
The Family Court,
Ariyalur.

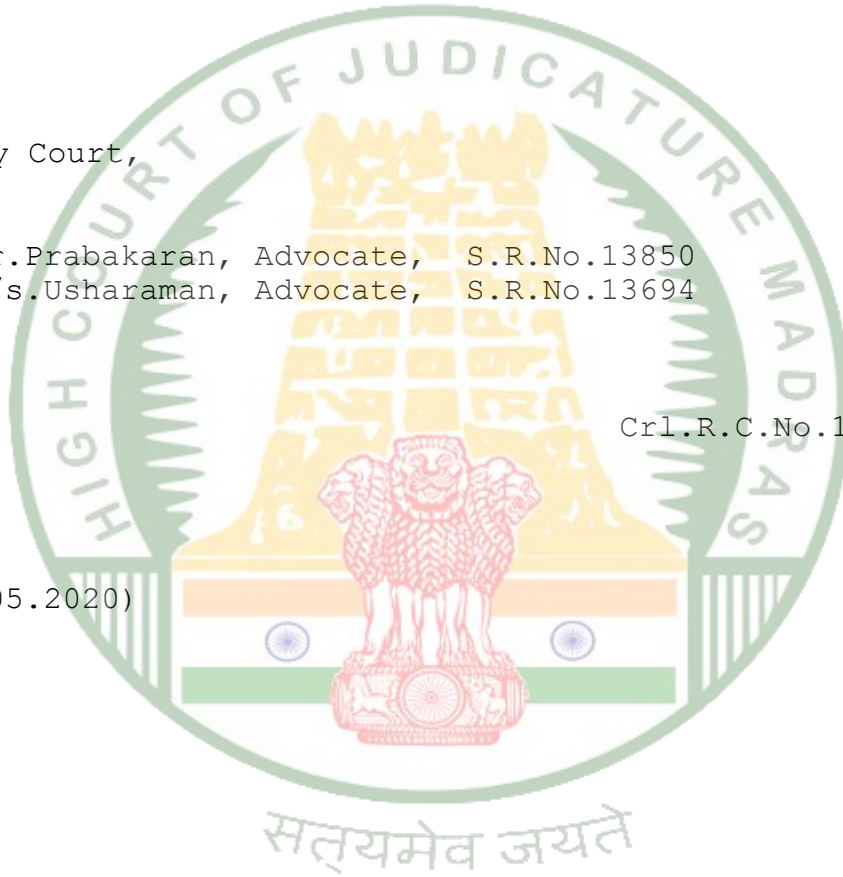
+1cc to Mr.Prabakaran, Advocate, S.R.No.13850

+1cc to M/s.Usharaman, Advocate, S.R.No.13694

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MG (CO)

VSI-2 (29.05.2020)



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