

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.647 of 2017
and
Cr1.M.P.No.5868 of 2017

S.Babu Vs ... Petitioner

1. Sumathy
2. Minor Kavin Deepan
3. Minor Kaviya Deepan
R2 & R3 are rep. by their mother
and natural guardian, the first respondent
... Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 18.11.2016 made in M.C.No.13 of 2012 on the file of the Chief Judicial Magistrate Court at Villupuram.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

Challenging the order dated 18.11.2016 passed by the learned Chief Judicial Magistrate, Villupuram, in M.C.No.13 of 2012, this Criminal Revision Case came to be filed.

2.The petitioner is the husband and the first respondent is the wife. Out of the said wedlock, they were blessed with two children, namely, Kavin Deepan and Kaviya Deepan, respondents 2 and 3. Due to a matrimonial dispute, they were separated. The respondents filed a petition for maintenance before the Chief Judicial Magistrate Court, Villupuram, claiming a sum of Rs.15,000/- per month. Considering the materials available on record, the Court below directed the petitioner herein to pay a monthly maintenance of Rs.5,000/- to the first respondent and Rs.4,000/- each to the second and third respondents, totalling Rs.13,000/- to be paid from the date of petition for maintenance. Challenging the same, the petitioner has come up with this Criminal Revision Case.

3. There is no representation for the petitioner as well as respondents.

4. The case of the petitioner as averred in the affidavit filed in support of this Criminal Revision is that there was no marriage solemnized on 02.08.2009 and the petitioner and respondent have never lived as husband and wife and hence, the question of paying maintenance to the respondents does not arise.

5. On 25.04.2017, this Court, While ordering notice to the respondents, has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance amount within a period of eight weeks and further continue to pay 50% of the maintenance as ordered by the Court below to the respondents on or before 5th of every English Calender month, until further orders. However, there is no report as regards the compliance of the said order by the petitioner.

6. 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).

7. On a perusal of the order impugned herein, this Court is of the view that the Court below after a careful and threadbare analysis of the entire materials available on record, has awarded the monthly maintenance at Rs.5,000/- to the first respondent and Rs.4,000/- each to the respondents 2 and 3 payable by the petitioner, which seems to be very reasonable and hence, the same warrants no interference.

8. Accordingly, this Criminal Revision stands dismissed, leaving it open to the respondents to recover the monthly maintenance including arrears as ordered by the Court below, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

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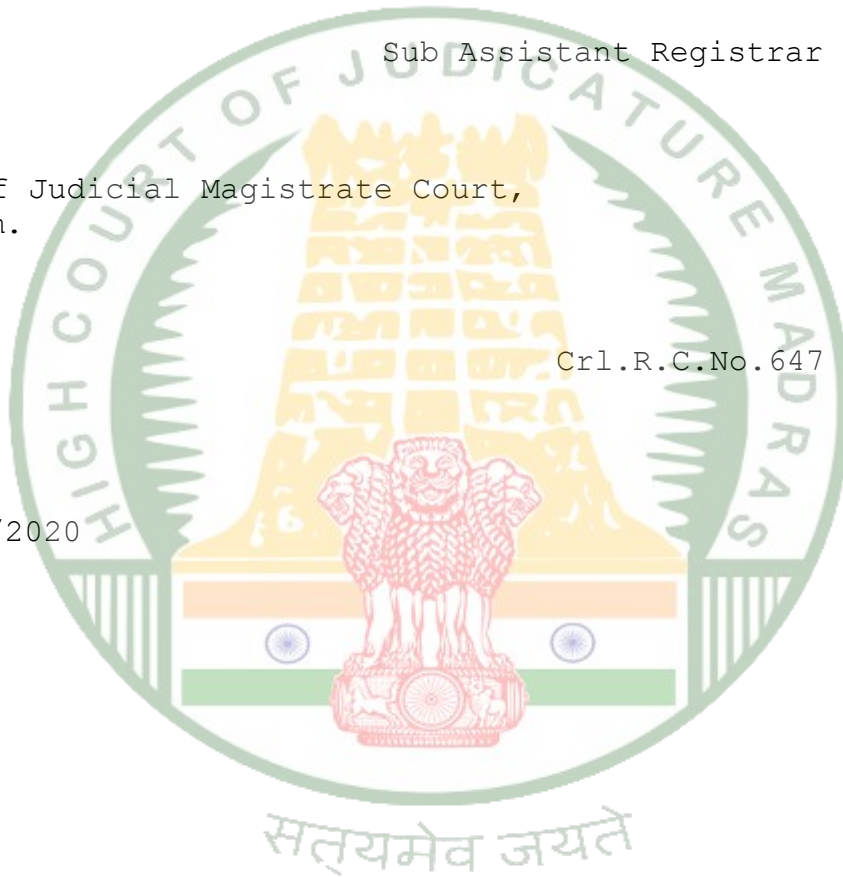
Sub Assistant Registrar

To

The Chief Judicial Magistrate Court,
Villupuram.

Cr1.R.C.No.647 of 2017

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srg 02/06/2020



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