

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.31435 of 2019

and

Crl.M.P.No.17189 of 2019

1. M.Sivaraman @ Manase,
S/o.Munusamy @ Yoseppu
2. M.Vedam @ Emimal,
W/.Munusamy @ Yoseppu
3. M.Uma Maheswari,
D/o.Munusamy @ Yoseppu,
All are residing at
No.47, Kayar Village,
Thirukazhukundram Taluk,
Kancheepuram - 136. Petitioners/Respondents

Vs.

T.Amutha @ Annal Amutha,
W/o.M.Sivaraman @ Manase,
No.17, Cross Street, Adavilakkam Village,
Thirukazhukundram Taluk,
Kancheepuram. Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and set aside the order passed by the learned Principal Session Judge at Chengalpattu in CRP No.13 of 2018 on 04.07.2019 against CMP No.3589 of 2017 in DVC No.1 of 2018 order passed by Learned District Munsif cum Judicial Magistrate at Thirukalukundram on 12.10.2018.

For Petitioners: No appearance
For Respondent : Mr.Sarfudeenalaiahamed

ORDER

This petition has been filed to challenge the order passed in CRP.No.13 of 2018 dated 04.07.2019 on the file of the Principal Sessions Court, Chengalpattu, confirming the order passed in CMP.No.3589 of 2017 in DVC.No.1 of 2018 on the file of the District Musif cum Judicial Magistrate, Thirukalukundram, by an order dated 12.10.2018.

complaint under the Domestic Violence Act in DVC.No.1 of 2018. She also filed a petition and obtained maintenance in CMP.No.3589 of 2017 for interim maintenance. The trial Court considering the petition and ordered interim maintenance of Rs.6,000/- payable to the first respondent herein and Rs.4,000/- towards female child. Aggrieved by the same, the first petitioner challenged CRP.No.13 of 2018 before the Principal Sessions Court, Chengalpattu and the same was also dismissed and confirmed the interim maintenance ordered by the trial Court. Aggrieved by the same, the present petition has been filed to set aside the order passed by the Court below.

3. The first petitioner got married with the respondent on 16.09.2015. Due to their wedlock, a female child was born to them. The first petitioner is working in Sport India Company and earning a sum of Rs.50,000/- per month. Though the respondent did not file any document to prove the income of the first petitioner herein, the respondent and female child are under economic crisis and they are living separately. Therefore, the first petitioner is being a husband, he has responsible for taking care of his wife and also the female child.

4. Therefore both Courts held that, the first petitioner has to pay as interim maintenance of Rs.6,000/- and Rs.4,000/- each to the respondent and his female child. Therefore, this Court finds no irregularity or illegality in the order passed by the Court below. That apart, the present petition is nothing but the second revision, and as such, this Court is not inclined to entertain this petition. However, the trial Court namely the Judicial Magistrate cum District Munsif Court, Thirukalukundram is directed to complete the trial in DVC.No.1 of 2018, within a period of six months from the date of receipt of a copy of this order.

5. with the above observations and direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb

To

1. The Principal Session Judge,
<https://hcservices.ecourts.gov.in/hcservices/>
Chengalpattu.

2. The District Munsif cum Judicial Magistrate,
Thirukalukundram.

CRL.O.P.No.31435 of 2019
and
Crl.M.P.No.17189 of 2019

VG II(CO)
GN(14/08/2020)



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