



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. R.C. (MD)No.8 of 2017

WEB COPY

1. G.Shantha Gogilam

2. Minor.Thaksha Kokil Singh
(Rep. By her mother &
natural guardian, first petitioner)

3. Minor Sanvika Kokilam
(Rep. By her mother &
natural guardian, first petitioner)
(Minor 3rd petitioner is *suo motu* impleaded
vide order dated 09.12.2020)

.. Petitioners/Petitioners

Vs.

1. Narendra Singh,
Constable, Armed Reserved Police,
Maravankudiyiruppu,
Nagercoil, Kanyakumari District.

2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
(R-2 is *suo motu* impleaded
vide order dated 09.12.2020)

.. Respondents/Respondents

Prayer : This Criminal Revision is filed under Sections 397(1) r/w. 401 of Cr.P.C., to call for the records in M.C.No.9 of 2015 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and set aside the order dated 24.11.2016 as against the first petitioner and further direct the respondent herein to pay the maintenance for the petitioners from the date of filing of the petition before the trial Court.

For Petitioners : Mr.A.Thiruvadi Kumar

For R-2 : Mr.A.Robinson,
Government Advocate(Crl. Side).

For R-1 : Mr.M.Saravanan



ORDER

Minor Sanvika Kokilam, D/o.Narendra Singh, is *suo motu* impleaded as the third petitioner. The Superintendent of Police, Kanyakumari District, Nagercoil, is *suo motu* impleaded as the second respondent.

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2. Mr.A.Robinson, learned Government Advocate(Crl. Side) is directed to take notice for the second respondent.

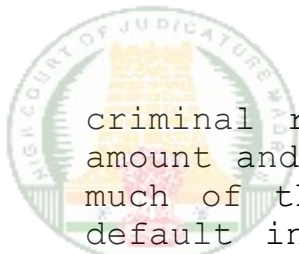
3. Heard the learned counsel on either side.

4. The first petitioner Shantha Gogilam and Narendra Singh got married on 10.07.2013. The second petitioner was born through the wedlock. Thereafter, the relationship between the parties suffered a break down and the first petitioner left the matrimonial home along with the second petitioner. She filed M.C.No.9 of 2015 before the learned Judicial Magistrate No.I, Kuzhithurai. By order dated 24.11.2016, the learned trial Magistrate granted a sum of Rs.3,000/- as maintenance to be paid to the minor child. However, the relief was denied to the first petitioner. This is because, the learned trial Magistrate had come to the conclusion that the first petitioner is well qualified and she is having the ability to earn and that she is deliberately not going for job. Questioning the same, this criminal revision case came to be filed.

5. During the pendency of the revision case, a superior police officer out of noble intentions, mediated between the parties and was successful in effecting reunion. As a result of the reunion, the first petitioner became pregnant for the second time. The relationship between the parties once again suffered a break down and the petitioners left the matrimonial home. The first petitioner gave birth to the second child and that is why I have *suo motu* impleaded the second child as the third petitioner in this criminal revision.

6. Now the question that arises for consideration of this Court is the nature of relief to be granted to the petitioners herein.

7. I have been relieved of the said trouble on account of the fair stand taken by the learned counsel appearing for the first respondent. The learned counsel appearing for first respondent on instructions states that the first respondent will pay a sum of Rs.10,000/-(Rupees Ten Thousand only) as maintenance to the petitioners herein every month. The said amount can be deducted by the employer and remitted in the account of the first petitioner directly. Since such a stand has been taken, I have impleaded the employer also as the second respondent in this



criminal revision case. If the employer deducts the maintenance amount and remits the same in the account of the first petitioner, much of the trouble can be relieved. Otherwise in the event of default in payment, the petitioners will have to file execution petition.

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8. After the disposal of Maintenance Case, the first respondent has paid the maintenance as ordered by the Court below. Subsequently the parties have reunited in the month of February 2018 and they again separated in the month of April 2018. The petitioners are not entitled for maintenance for this period (i.e. February to April, 2018).

9. Maintenance amount is fixed as Rs.10,000/- for the petitioners starting from January 2021. The first respondent is liable to pay maintenance at the rate of Rs.6,000/- per month from the date of filing of Maintenance Petition (i.e.) April 2015 to January 2018 and October 2018 to January 2019 and he is liable to pay maintenance at the rate of Rs.9,000/- per month from February 2019 onwards. The learned Judicial Magistrate No.I, Kuzhithurai, is directed to issue suitable direction to the pay drawing officer of the first respondent, namely, the Superintendent of Police, Kanyakumari or any other officer to deduct Rs.10,000/- from the salary of the first respondent and credit the same in the Savings Bank account of the 1st petitioner starting from January 2021. Further the Court below is directed to calculate the arrears of maintenance at the rate mentioned above by giving credit to the payments made by the first respondent and issue suitable direction to the pay drawing officer of the first respondent, namely, the Superintendent of Police, Kanyakumari or any other officer to deduct not more than Rs.3,000/- per month from the salary of the first respondent towards past arrears and credit the same in the Savings Bank account of the first petitioner.

10. This criminal revision case stands allowed on these terms.

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar (CS)



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To

1. The Judicial Magistrate No.I,
Kuzhithurai, Kanyakumari District.

2. The Chief Judicial Magistrate,
Nagercoil, Kanyakumari District.

3. The Superintendent of Police,
Kanyakumari District at Nagercoil.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer-2 copies
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.Thiruvadi Kumar , Advocate SR.No.24807

+1 cc to Mr.M.Saravanan , Advocate SR.No.24790

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