



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.135 of 2018
and
Crl.M.P.No.1009 of 2018

K.Jayaprakash

...Petitioner

-Vs-

J.Sathiya

...Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records in FCMC No.130 of 2014 on the file of The Judge, Family Court, Vellore.

For Petitioner : Mr.K.Bijai Sundar

For Respondent : Mr.R.Kamesh Kumar
Legal Aid Counsel

O R D E R

This Criminal Revision has been filed against the order in FCMC No.130 of 2014 on the file of the Family Court, Vellore.

2. The revision petitioner is the husband and the respondent is the wife. The marriage was solemnized between them on 01.06.2006 as per Hindu Rites and Caste Customs. Due to misunderstanding between the couples, they were living separately during the year 2014 and the respondent herein has filed a petition before the Family Court, Coimbatore, under Section 125 Cr.P.C., praying interim maintenance, which was taken on file in FCMC.No.130 of 2014 claiming a sum of Rs.5,000/- towards maintenance amount and Rs.3,000/- towards litigation expenses. The Family Court after adverting the materials placed on record and after hearing both the parties, allowed the petition in part and the respondent therein was directed to pay a sum of Rs.4,000/- to the petitioner. As against the same, the revision petitioner/husband has filed this present revision before this Court.

3. The learned counsel for the petitioner/husband would submit that the petitioner got married with the respondent on



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01.06.2006. After marriage, the couples were living together happily. During the year 2014, the respondent/wife left the matrimonial home without any valid reason and there was no demand of dowry. Hence, she is not entitled to get any maintenance under Section 125 Cr.P.C. The respondent refused to live in the joint family. The petitioner is the only son of his family and he has to take care of his aged parents. The respondent has taken all the valuables and belongings to her and left the matrimonial home on 20.04.2014 and after a week, she lodged a false complaint before the All Women Police Station. The petitioner has no employment and he is not in a position to pay the maintenance amount to his wife. Hence, the learned counsel prays to allow this petition.

4. The learned counsel for the respondent submitted that after the marriage, the revision petitioner started demanding dowry from the parents of the petitioner frequently. When she refused the same, the petitioner scolded the respondent and driven out from the matrimonial home. The respondent is not employed and she has no sufficient means to maintain herself. The learned counsel prays to dismiss this revision.

5. Heard the learned counsel appearing on behalf of the petitioner and the respondent and perused the materials placed on record.

6. The revision petitioner is the husband and the respondent is the wife. It is admitted that the marriage between the petitioner and the respondent was solemnized on 01.06.2006 and the respondent left the matrimonial home during the year 2014. The trial Court observed that though the respondent left the matrimonial home due to misunderstanding, neither the husband nor the parents of the husband tried to take her back to the matrimonial home. The petitioner has not taken effective steps to take her back and left as it is.

7. The learned counsel for the petitioner is not disputing with the means of the revision petitioner. The only contention raised by the learned counsel for the petitioner is that the respondent left the matrimonial home without any valid reason. Unless the husband proved that the wife remarried or she is leading a immoral life, or without any reason she left the companion. In this case, these facts have not been established by the revision petitioner/husband.

8. The Family Court has rejected the contention of the revision petitioner/husband that without any reason, his wife left the matrimonial home. The trial Court has discussed the attitude of the revision petitioner and his mother. The relationship is not disputed, but the source of the income of



the revision petitioner is now disputed. The fact that the respondent/wife has no means to maintain herself is also not disputed. Under these circumstances, this Court finds that the revision petitioner, despite having sufficient means, has refused to maintain his wife. Therefore, there is no perversity in the order passed by the Family Court and there is no merit in the revision. This Court does not find any reason to interfere with the order passed by the Family Court, Vellore in FCMC.No.130 of 2014 dated 06.01.2017.

9. Under these circumstances, the respondent is entitled to get maintenance from the petitioner. The petitioner is directed to deposit the entire arrears of maintenance, if any, within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to pay the monthly maintenance regularly which was ordered by the Family Court to the respondent on or before every 5th day of English Calendar month without any default.

10. In the result, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rli

To

The Judge,
Family Court,
Vellore.

Copy to
The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.K.Bijai Sundar, Advocate Sr No.38623

Cr1.R.C.No.135 of 2018
and
Cr1.M.P.No.1009 of 2018

AJS (CO)
PR (02/09/2021)