

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.884 of 2019
and Crl.M.P.No.12838 of 2019

S.Yuvaraj

... Petitioner

Versus

1.R.Sujatha

2.Minor.Y.S.Thaman

3.Minor. Y.S.Poorvika

... Respondents

(minor Respondents 2 & 3 are represented by
their mother and Natural Guardian)

PRAYER: Criminal Revision petition is filed under Section 397 & 401 Cr.P.C seeking to set aside the order passed by the learned Principal Family Court, Vellore, Vellore District dated 13.06.2019 made in F.C.M.C.No.5 of 2017.

For Petitioner : No appearance

For Respondents : No appearance

O R D E R

This Criminal Revision Petition has been filed seeking to set aside the order passed by the learned Principal Family Court, Vellore, Vellore District dated 13.06.2019 made in F.C.M.C.No.5 of 2017.

2. No representation on either side. Since the matter is arising out of maintenance case under Section 125 of Cr.P.C., this Court is not inclined to adjourn the matter and hence, the matter is disposed of based on the records.

3. The petitioner was the husband, first respondent is the wife, the respondents 2 and 3 are the children to the petitioner and first respondent. The respondents filed maintenance case before the learned Judge, Family Court, Vellore in F.C.M.C.No.5 of 2017 for maintenance under Section 125 Cr.P.C. The learned Judge, Family Court after the enquiry, passed the order and directed the petitioner herein to pay a sum of Rs.4,000/- each to the respondents 1 to 3. Challenging the said order now the petitioner is before this Court.

4. The allegation against the petitioner is that the marriage was solemnized between the petitioner and the first respondent on 27.10.2010; out of their wedlock two children were born viz., respondents 2 and 3. During the pendency, the petitioner caused cruelty towards the first respondent. Therefore, she lodged a complaint against the petitioner under section 4 of the Domestic Violence Act and 498A and 506(2) IPC and the case is pending. Since the first respondent is residing separately with the minor children respondents 2 and 3, they have filed the maintenance case before the learned Judge, Family Court for maintenance of Rs.7,000/- each and the learned Judge Family Court after the enquiry passed the order of Rs.4,000/- each.

5. It is further pointed out that the petitioner was working as an Accountant in the Penna Cement Company and earning Rs.30,000/-. The learned Judge observed that the petitioner has not disproved the fact that he is working as accountant in the Penna Cement Company by filing affidavit. The first respondent has deposed that the petitioner is working as Accountant in the Penna Cement Company. In such circumstances, the learned Judge has come to the conclusion that the petitioner was having sufficient means and the respondents are not having any means to maintain themselves. Therefore, in view of the finding that the petitioner despite having sufficient means not maintained the wife and children, passed the order directing to pay maintenance amount.

6. Considering the facts and circumstances of the case, this Court does not find any perversity in the order passed by the learned Judge, Family Court and order of Rs.4,000/- each to the respondents is a very reasonable one.

7. Under these circumstances, this Court finds that there is no illegality or infirmity in the order passed by the learned Judge, Family Court and there is no merit in the Revision. Accordingly, this Criminal Revision petition is dismissed. Consequently, connected miscellaneous petition is closed. The petitioner is directed to pay the entire arrears of maintenance amount and further directed to pay the maintenance amount on or before 5th of every month, failing which the learned Judge, Family Court is directed to execute the order in accordance with law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

mpa

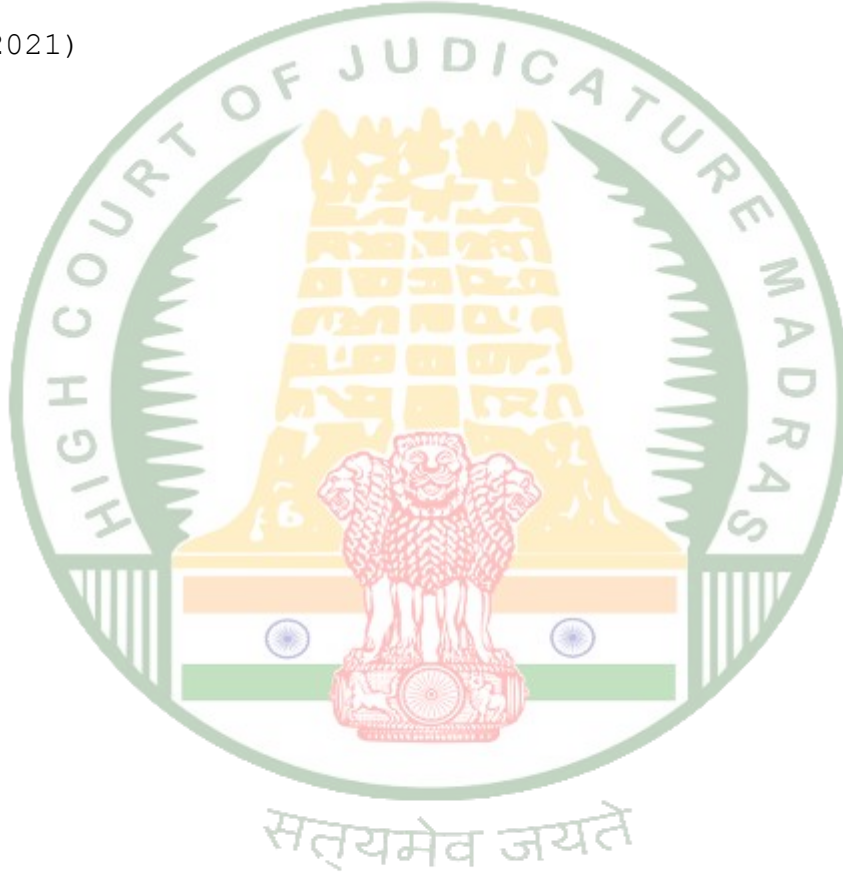
To

1.The Principal Family Court,
Vellore, Vellore District.

+lcc to M/s.E.Kannadasan, Advocate SR.3439

Crl.RC.No.884 of 2019

SSN(CO)
CB(23/02/2021)



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