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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.RC.NO.822 OF 2017

M.Vanitha

... Petitioner

-Vs-

N.Prabhu

... Respondent

PRAYER:-

Criminal Revision is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in F.C.M.C.No.45 of 2015 dated 17.03.2017 on the file of the Family Court, Vellore, Vellore District.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.C.S,Saravanan
For M/s.Pitty Parthasarathy

O R D E R

The Criminal Revision is filed to set aside the order in F.C.M.C.No.45 of 2015 dated 17.03.2017 on the file of the Family Court, Vellore, Vellore District.

2. The case of the petitioner is that the petitioner is the legally wedded wife of the respondent. The marriage between the parties took place on 22.02.2015 as per Hindu rites and customs. At the time of marriage, the respondent was working as a Head Constable in CRPF. After the marriage, the petitioner and the respondent lived as husband and wife only for one month. The respondent's attitude got changed and he behaved indifferently and had not provided food and water to the petitioner. On 29 March 2015, the respondent returned to duty in CRPF. After that, the mother and the sister of the respondent tortured the petitioner to borrow a sum of Rs.5 Lakh from her parents for repaying the debt already borrowed towards the marriage expenses. The petitioner pleaded her inability stating that the petitioner's father had already spent a huge sum of Rs.16 lakh



for marriage expenses. The petitioner was thrown out from her matrimonial home and she was staying with her parents from 01.04.2015 onwards. Further, the parents of the respondent suspected the chastity of the petitioner. Due to the activities of the respondent's father, the petitioner was removed from service by CMC Hospital, and without earning, the petitioner was unable to fulfill their demand. Hence, the petitioner had filed a maintenance petition in FCMC.No.45 of 2015, on the file of the Family Court, Vellore, claiming monthly maintenance of Rs.25,000/-. The said petition was dismissed. Aggrieved by the said order, the present revision petition has been filed before this Court.

3. The learned counsel for the petitioner contended that the trial Court has grossly erred in dismissing the petition for maintenance and that the trial Court has failed to see that the petitioner was removed from her service by the CMC hospital, at the instance of the respondent's father who had spread false rumour about the character of the petitioner. Further, the trial Court has not taken note of the facts that the respondent and his family members had demand a dowry of Rs.5,00,000/- and harassed the petitioner in that regard. Therefore, the learned counsel prays that the order of trial Court declining the grant of maintenance should be reversed.

4. It appears that the respondent counsel passed away, Mr.C.S.Saravanan, learned counsel for the respondent appears on behalf of Mr.Pitty Parthasarathy. The learned counsel justified the order passed by the trial Court and prayed that the same may be confirmed.

5. I have heard both counsels and perused the documents.

6. It is the case of the petitioner that her husband and his family members had harassed her by demanding dowry to the tune of Rs.5,00,000/-. However, it is pertinent to note that she has not filed any police complaint with regard to the same. Further, though the petitioner has taken a contention that it was the respondent's father who was instrumental in the management of CMC Vellore, removing her from job, the petitioner has not produced any documents in support of such contention.

7. The trial Court has recorded that a panchayat was convened and both sides participated in the same. The respondent has invited the petitioner to come on reside along with him in her matrimonial home. Despite such invitation, the petitioner has not accepted the same. Instead of taking recourse to legal proceedings by filing petition for divorce before the family Court, the petitioner has simply filed the petition seeking maintenance.



8. This Court does not find any genuine reason in the petition filed seeking maintenance. The Trial Court was fully justified in rejecting the prayer made by the petitioner. Despite invitation by the respondent to live with him. For reason best known to the petitioner, she has refused such invitation. This Court is of the opinion that only with a view to harass the respondent. The petition seeking maintenance has been filed.

9. In the result, this Criminal Revision Case fails and the same dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm

To

The Judge,
The Family Court,
Vellore.

CRL.R.C.NO.822 OF 2017

VSN-II (CO)
PBS/20/10/2021