



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1130 of 2018

P.Aravind Ram		...Petitioner/Respondent
	Vs.	
Divya Prabha		...Respondent/Petitioner

Prayer:

Petition filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the records relating to the order dated 17.11.2017 made in M.C.No.02 of 2016 passed by the learned Additional Principal Family Judge, Coimbatore and set aside the same by allowing the criminal revision petition.

For Petitioner : Mr.SP.Yuaraj

For Respondent : M/s.C.Meera Arumugam

O R D E R

The petitioner has filed this petition seeking to call for the records relating to the order dated 17.11.2017 made in M.C.No.2 of 2016 passed by the learned Additional Principal Family Judge, Coimbatore and to set aside the same.

2.The facts of the case is that the marriage between the petitioner and the respondent was solemnized on 08.06.2014 at Coimbatore as per the Hindu Rites and Customs. Thereafter, matrimonial dispute arose inbetween them and the petitioner filed petition seeking restitution of conjugal rights before the Family Court at Bangalore in M.C.No.1855 of 2015. The respondent filed petition under Section 12 of the Prevention of Women from Domestic Violence Act, 2005 in D.V.A.No.11 of 2015 before the Judicial Magistrate No.II Court, Coimbatore.

3.M.C.No.1855 of 2015 filed by the petitioner was allowed by the learned Principal Judge, Family Court at Bangalore on 09.11.2017. Challenging the same, the respondent filed M.F.A.No.1567 of 2018 (FC) before the Hon'ble Division Bench of the High Court of Karnataka at Bengaluru. On 14.10.2019, the



Hon'ble Division Bench of the High Court of Karnataka set aside the order dated 09.11.2017 made in M.C.No.1855 of 2015 and remanded the matter back to the learned Principal Judge, Family Court at Bangalore. D.V.A.No.11 of 2015 filed by the respondent was transferred to the file of the Special Court for Prevention of Domestic Violence, Coimbatore and was re-numbered as D.V.A.No.334 of 2019 and on 18.12.2019, D.V.A.No.334 of 2019 was dismissed.

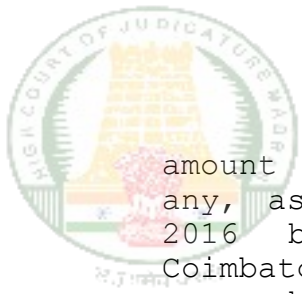
4.The respondent also filed M.C.No.2 of 2016 under Section 125 of Cr.P.C. before the learned Additional Principal Family Judge, Coimbatore, seeking a sum of Rs.40,000/- per month as maintenance. After adjudication, the learned Additional Principal Family Judge, Coimbatore allowed M.C.No.2 of 2016 and directed the petitioner to pay a sum of Rs.15,000/- per month to the respondent towards maintenance from the date of petition i.e., 21.12.2015. Challenging the same, the petitioner has filed this revision.

5.The learned counsel appearing for the petitioner submitted that the respondent lived with the petitioner only for 28 days and thereafter she left the matrimonial home without any valid reason. The learned counsel further submitted that the petitioner is willing to live along with the respondent, however, the respondent is not willing to live along with the petitioner.

6.The learned counsel appearing for the petitioner, on instructions, further submitted that the petitioner, in order to show his bonafide and care, is ready to deposit the entire arrears amount awarded by the Trial Court towards maintenance, hence, this Court may permit the petitioner to file a petition under Section 127 of Cr.P.C., before the learned Additional Principal Judge, Additional Family Court, Coimbatore, if the respondent refuses to live along with the petitioner, in the event of the petitioner succeeding in M.C.No.1855 of 2015.

7.The learned counsel appearing for the respondent submitted that the amount awarded by the learned Additional Principal Family Judge, Coimbatore, towards maintenance is just and reasonable, however, the learned counsel, raise no serious objection for the request now made by the learned counsel appearing for the petitioner.

8.The petitioner is willing to live along with the respondent. Hence, considering the request made by the learned counsel appearing for the petitioner and the consent view expressed by the learned counsel appearing for the respondent, this Court without expressing any opinion on the merits of the case, directs the petitioner to deposit the entire arrears



amount of maintenance, less the amount already deposited, if any, as per the order dated 17.11.2017 passed in M.C.No.2 of 2016 by the learned Additional Principal Family Judge, Coimbatore and shall continue to pay maintenance to the respondent as per the order dated 17.11.2017 passed in M.C.No.2 of 2016.

9.Both the petitioner and the respondent are directed to mediate and conciliate the matter inbetween them for re-union during the trial in M.C.No.1855 of 2015 before the learned Principal Judge, Family Court at Bangalore. In the event of the petitioner succeeding in M.C.No.1855 of 2015 and even thereafter, if the respondent does not come forward to live along with the petitioner, the petitioner is at liberty to file petition under Section 127 of Cr.P.C. before the learned Additional Principal Judge, Additional Family Court, Coimbatore.

10.With the above observations, this revision is disposed of. Consequently, the connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Additional Principal Family Judge,
Coimbatore.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to M/s.C.Meera Arumugam, Advocate, Sr.547734

Cr1.R.C.No.1130 of 2018

SSV[co]
NSK 17/11/2021