



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.03.2021

PRONOUNCED ON : 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.R.C.(MD).No.493 of 2017

P.Kalidoss

: Petitioner/Respondent

Vs.

M.Kaleeswari

: Respondent/Petitioner

PRAYER : Criminal Revision has been filed under Section 397(3) r/w 401 of Cr.P.C, to call for the records relating to the order passed in M.C.No.31 of 2015 on the file of the Family Court, Madurai, dated 13.04.2017 and to set aside the same.

For Petitioner : No Appearance

For Respondent : Mr.S.M.A.Jinnah

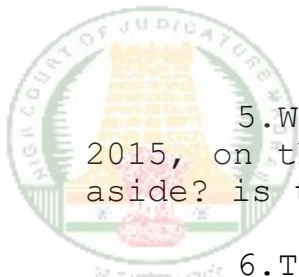
ORDER

The Criminal Revision Case is directed against the order passed in M.C.No.31 of 2015, dated 13.04.2017 on the file of the Family Court, Madurai.

2.It is not in dispute that the Marriage between the revision petitioner and the respondent was solemnized on 15.09.2013, at Arulmighu Subramaniaswamy Thirukovil, Thirupparankundram, as per the Hindu Rites and custom, that subsequently, there arose misunderstanding between them and that they are living separately.

3.The respondent, by invoking Section 125 of Cr.P.C has filed the case in M.C.No.31 of 2015 claiming maintenance at Rs.8,000/- on the file of the Family Court, Madurai. The revision petitioner has filed a counter statement disputing the liability. The learned Judge of Family Court, upon considering the evidence and on hearing arguments of both sides, has passed the impugned order, dated 13.04.2017, directing the revision petitioner to pay monthly maintenance at Rs.5,000/- from the date of petition. Aggrieved by the said order, the husband has come forward with the present petition.

4.When the above matter was taken up for hearing on 04.02.2021, there was no representation for the petitioner and after recording the presence of the respondent's counsel, the case was adjourned on 17.02.2021, and on that day also, there was no representation for the petitioner and the case was adjourned to 02.03.2021. On 02.03.2021, there was no representation for the petitioner and since the case is pending from 2017 onwards, this Court decided to hear other side and to pass orders on merits.

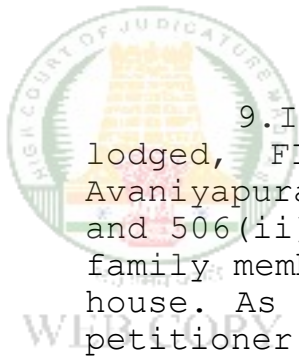


5. Whether the impugned order dated 13.04.2017 in M.C.No.31 of 2015, on the file of the Family Court, Madurai, is liable to be set aside? is the point for consideration.

6. The revision petitioner/husband and the respondent/wife have raised serious allegations and counter allegations against each other. In the revision memorandum, it has been stated that the trial Court has failed to consider that the respondent did not live with the revision petitioner even for one month, that the trial Judge has also failed to consider that the revision petitioner had lost his job immediately after registration of FIR and arrest, on the basis of the false complaint lodged by the respondent, that the trial Court has also failed to consider that the respondent has not produced any evidence to show that the petitioner was drawing monthly salary of Rs.20,000/- while he was working as Tally Manager in Chief Educational Office, Madurai, that the trial Court erred in not considering the fact that the petitioner has to maintain his age old mother and that the trial Court has also not considered that the respondent alone had voluntarily deserted the petitioner without any justifiable reasons.

7. The learned counsel for the respondent would submit that the revision petitioner and his family members had been demanding additional dowry of Rs.2,00,000/- to settle the debt due by the petitioner's sister's husband, that the petitioner's mother and sister had tortured the respondent on 01.12.2013 and compelled her to get Rs.2,00,000/- from her parents, that the respondent gave a complaint before the All Women Police Station, Thirupparangunram on 05.12.2013, that the petitioner and his family members were warned by the police, that on 08.01.2014, the revision petitioner and his family members had threatened the respondent and beaten her brutally and as a result of which, she was admitted as inpatient at Rajaji Government Hospital, that a case was registered in Crime No.22 of 2014 by Avaniyapuram Police, for the offences punishable under Sections 323, 324, 506(ii) IPC and that the respondent with no other option has been residing with her aged mother, who is unable to maintain herself.

8. As rightly observed by the trial Court, the respondent has produced the copy of the complaint along with the copy of the receipt issued by the Office of the Superintendent of Police, Madurai, copy of the petition filed before the All Women Police Station, to show that she was constrained to lodge the police complaints against the petitioner and his family members for their continuous harassment. The respondent has also produced the copy of the discharge summary to show that she was admitted as inpatient in Government Rajaji Hospital, Madurai for the injuries suffered due to the attack made by the respondent and his family members and also the copy of the complaint given to the police for the alleged attack.



9.It is not in dispute that on the basis of the complaint lodged, FIR came to be registered in Crime No.22 of 2014 of Avaniyapuram Police Station, for the offence under Sections 323, 324 and 506(ii) IPC. According to the respondent, the petitioner and his family members had harassed her and driven out from the matrimonial house. As rightly pointed out by the respondent side, the revision petitioner has not chosen to enter into the witness box and to give evidence disputing the complaint and the charges levelled by the respondent.

10.The trial Court, has given a finding that the revision petitioner alone had neglected to maintain the revision petitioner. Upon considering the evidence adduced, this Court is of the view that above finding cannot be found fault with.

11.The respondent's specific case is that the revision petitioner is working in Chief Educational Office, Sivagangai and he is earning not less than Rs.20,000/- per month. According to the petitioner, after registration of FIR and arrest of the petitioner, he had lost his job and now he is job less. As rightly observed by the trial Court, the revision petitioner has not chosen to adduce any evidence to show that his service was terminated and now he is jobless. As rightly pointed out by the trial Court, the husband is duty bound to maintain his wife. As already pointed out, the respondent has claimed monthly maintenance at Rs.8,000/- and the trial Court has awarded only Rs.5,000/- per month.

12.Considering the facts and circumstances of the case and the status of the parties and the current economic situation, the fixation of monthly maintenance at Rs.5,000/- is very much reasonable and the same cannot be said to be excessive. The revision petitioner has not canvassed any other reason or ground to impugn the order. Hence, this Court decides that the revision petition is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstances, the parties are to be directed to bear their own costs.

13.In the result, the Criminal Revision case is dismissed. Parties are directed to bear their own costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)



To

1.The Family Court, Madurai.

2.The Section Officer, (2C)
Criminal Section, (records)
Madurai Bench of Madras High Court,
Madurai.

CRL.R.C. (MD) .No.493 of 2017
12.03.2021

TP (CO)
KB (19.03.2021) 4P 4C