



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.03.2021

Pronounced on : 25.03.2021

CORAM

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

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CRL.R.C. (MD) .695 of 2017

Vellayan : Petitioner/Respondent

Vs.

1.Naadiammal

2.Minor.Muneeswari : Respondents/Petitioner

(2nd Petitioner is represented through her mother natural guardian, the first respondent)

PRAYER : Criminal Revision has been filed under Section 397 (1) r/w 401 of Criminal Procedure code to call for the records and set aside the order dated 31.05.2017 passed in M.C.No.1 of 2017 on the file of the Family Court, Sivagangai.

For Petitioner : No Appearance.

For Respondents : Mr.G.Maruthiah

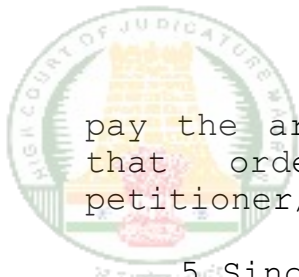
ORDER

The Criminal Revision Case is directed against the order passed in M.C.No.1 of 2017, dated 31.05.2017 on the file of the Family Court, Sivagangai.

2.It is not in dispute that the marriage between the revision petitioner and the first respondent was solemnized in the year 2003, that due to their wed-lock, the second respondent was born to them in the year 2012, that subsequently, there arose some misunderstanding between them and that they are living separately.

3.The first respondent for herself and for her minor daughter, by invoking Section 125 Cr.P.C, has filed the case in M.C.No.1 of 2017 before the Family Court, Sivagangai, claiming the monthly maintenance at Rs.25,000/-. The revision petitioner has filed a counter statement, disputing the liability and prayed for dismissal.

4.The learned Judge of the Family Court, upon considering the evidence and on hearing both sides, has passed the impugned order on 31.05.2017, directing the revision petitioner to pay the monthly maintenance at Rs.2,500/- to the first respondent and Rs.2,000/- to the second respondent from the date of petition and also directed to



pay the arrears of maintenance within one month from the date of that order. Aggrieved by the said order, the revision petitioner/husband has come forward with the present revision.

5. Since there was no representation for the revision petitioner for the last three hearings and the criminal revision is pending from the year 2017, this Court decides to hear the other side and pass orders on merits.

6. Whether the impugned order passed in M.C.No.1 of 2017, dated 31.05.2017 on the file of the Family Court, Sivagangai, is liable to be set aside ? is the point for consideration.

7. In the Revision Memorandum, the revision petitioner has raised the grounds that the trial Court has failed to consider that the first respondent has wantonly alleged that the revision petitioner/husband is having illegal contact with one Vanitha and some women of that village; that the trial Court has failed to consider that the first respondent has perpetuated cruelty both physically and mentally, that the trial Court has failed to consider that the petitioner is ready to live with the respondents and that the trial Court has also failed to consider that the petitioner is an agricultural worker and is not having sufficient means to pay the maintenance. No doubt, in the petition filed under Section 125 Cr.P.C., it has been stated that the revision petitioner, after retaining the gold jewels that were given at the time of marriage, had harassed the first respondent and driven her out of the matrimonial house, that after his return from foreign country, he demanded additional dowry and caused harassment both physically and mentally and thereafter, had sent her again out of the matrimonial house, that the revision petitioner is having illicit affair with one Vanitha at Thennampatti and that the revision petitioner had refused to live with the respondents and thereby neglected them.

8. The revision petitioner/husband has taken a stand that he never went to any foreign country. Though the first respondent has furnished the particulars of the period in which, the revision petitioner was in abroad, he has neither given any particulars nor averred anything to show his whereabouts during the said period. It is not in dispute that the first respondent lodged a complaint before the All Women Police Station, Sivagangai and on that basis, FIR came to be registered in Crime No.17 of 2017 for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of Women Harassment Act and that the revision petitioner was arrested and was released on bail. Though the revision petitioner in his counter statement has alleged that he has been ready and willing to live with the first respondent, he has not elaborated anything further. It is not the case of the revision petitioner that he had taken any concrete steps again to live with the respondents or sent any letter or notice, directing the first respondent to return to



the matrimonial home or any other legal proceedings in this regard.

9.The revision petitioner, in his cross examination before the trial Court, would admit that he is duty bound to maintain the first respondent, who is his wife and that he is duty bound to bear the expenses for his daughter's education. As rightly contended by the learned counsel for the respondent, the revision petitioner has failed to show that the first respondent alone had left the matrimonial home voluntarily and deserted the revision petitioner.

10.It is not the specific case of the revision petitioner that the first respondent is having necessary income or means to maintain herself. The revision petitioner, in his cross examination, would admit that he is owning four houses, in which two houses are terraced buildings and other two houses are tiled buildings, that he constructed the terraced buildings from the income derived from the ancestral properties, that he is owning lands, Well and motor, that patta stands in the name of his father and that he is having 90 cents of ancestral land.

11. Considering the above facts and circumstances, the status of the parties and the present economic situation, the fixation of monthly maintenance at Rs.2,500/- to the first respondent and Rs.2,000/- to the second respondent is very much reasonable and the same cannot said to be excessive. Hence, this Court decides that there is nothing to interfere with the impugned order and as such, the revision petition is devoid of merit and the same is liable to be dismissed. Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs.

12.In the result, this Criminal Revision Case is dismissed. Parties are directed to bear their own costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court, Sivagangai.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. 2 Copies

order made in
CRL.R.C. (MD) .695 of 2017

25.03.2021

CN(07.05.2021) 4P 4C