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CrI.O.P.No. 16379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 16379 of 2022

and

CrI.M.P.No.9503 of 2022

Sangeethkumar

...

Petitioner

Vs

Minor Riya

Rep. By her Natural Guardian/Mother

Shaliny @ Parmeswaran Staliny

...

Respondent

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 30.03.2022 passed by the learned Sessions Judge of The Nilgiris at Udthagamandalam in CrI.R.P.No.7 of 2021 confirming the order dated 27.08.2021 passed by the learned Judicial Magistrate, Coonoor in M.C.No.15 of 2017.

For Petitioner : Mr.A.Sriram

For Respondent : Mrs.R.Jayasri

### **ORDER**

This Criminal Original Petition has been filed to set aside the order dated 30.03.2022 made in CrI.R.P.No.7 of 2021 passed by the learned Sessions Judge, The Nilgiris at Udthagamandalam, thereby confirming the order dated 27.08.2021 made in M.C.No.15 of 2017 passed by the learned Judicial Magistrate, Coonoor.

2. The petitioner got married with the mother of the



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respondent herein. Due to their wedlock, they gave birth to the respondent herein. Due to misunderstanding between them, they got separated and the mother of the respondent was driven out from the matrimonial home. The petitioner also filed a petition for divorce and after filing the petition by the mother of the respondent for restitution of conjugal rights, both the petitions were withdrawn. However, the petitioner failed to maintain the respondent and as such, the respondent was constrained to file a petition for maintenance under Section 125 of Cr.P.C.

3. On perusal of the material and oral and documentary evidence revealed that the Trial Court ordered a sum of Rs.25,000/- as monthly maintenance payable by the petitioner. Aggrieved by the same, the petitioner preferred revision before the Revisional Court. The same was dismissed by the Revisional Court which confirmed the order passed by the Trial Court.

4. The learned counsel appearing for the petitioner would submit that even in the petition filed by the respondent for maintenance it is stated that her annual expenses would come around Rs.1,50,000/-. However, the Trial Court ordered maintenance of Rs.25,000/- per month.



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He further submitted that the petitioner is ready and willing to pay the monthly maintenance of Rs.20,000/- instead of Rs.25,000/-.

5. A perusal of the records reveals that the petitioner is a Software Engineer and working in USA. He is receiving a salary of more than six lakhs per month. Though the mother of the respondent is also working as a teacher in a private school, she is drawing only very meagre salary. Therefore, the mother of the respondent did not demand any maintenance from the petitioner.

6. In view of the above, the Court below has rightly ordered maintenance of Rs.25,000/- per month payable by the petitioner and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

23.09.2022

Internet:Yes  
Index:Yes/No  
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**G.K.ILANTHIRAIYAN. J.**

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To

1. The Sessions Judge, The Nilgiris at Udhagamandalam
2. The Judicial Magistrate, Coonoor.

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and  
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