



WEB COPY



Crl.R.C.No.1397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1397 of 2022

and

Crl.M.P.No.15544 of 2022

Sivakumar

... Petitioner

Versus

Nagalakshmi

... Respondent

Criminal Revision Case filed under Section 482 of Criminal Procedure Code, to set aside the order dated 28.09.2021 made in F.C.M.C.No.59 of 2019 on the file of the Family Court, Vellore, Vellore District.

For Petitioner : Mr.T.R.Prabakaran

ORDER

This Criminal Revision Case has been filed against the order dated 28.09.2021 made in F.C.M.C.No.59 of 2019 by the learned Judge, Family Court, Vellore, Vellore District.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the husband and the respondent is the wife. The



respondent/wife filed a case in F.C.M.C.No.59 of 2019 before the Family Court, Vellore under Section 125(a)(i) of Code of Criminal Procedure seeking a sum of Rs.30,000/- per month as maintenance. The Family Court, after giving opportunity to both the parties and after full fledged enquiry ordered a sum of Rs.10,000/- per month as maintenance to the respondent/wife. Challenging the said order, the petitioner has filed the present revision.

4. Admittedly, the relationship between the parties are not in dispute and both the parties are living separately and the same is also not in dispute. The petitioner/husband is working as a Constable in Central Reserve Police Force and getting salary of Rs.51,000/- per month. To substantiate the same, salary certificate of the petitioner was marked as Ex.P5. The respondent has also established before the Family Court that she has no means to maintain herself and hence, taking into consideration of the relationship between the parties and financial status of both the parties, the Court below ordered maintenance to the respondent/wife.

5. The scope of Section 125 Cr.P.C is summary in nature and its object itself has to be decided within a short span of time. In the case on hand, the respondent/wife herself established that the petitioner has got sufficient means, whereas, she has no means to maintain herself. Despite having



sufficient means, the petitioner neglected to maintain his wife and therefore, the Family Court, Vellore came to the conclusion and ordered a sum of Rs.10,000/- per month as maintenance to the respondent/wife.

6. Taking into considering the facts and circumstances and also considering the cost of living prevailing as on date, the Court below ordered Rs.10,000/- per month to the respondent/wife as maintenance, which is reasonable one. Therefore, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed.

7. In view of the above, this Criminal Revision Case is dismissed and the order dated 28.09.2021 passed in F.C.M.C.No.59 of 2019 by the learned Judge, Family Court, Vellore is confirmed. Consequently, connected miscellaneous petition is closed.

13.10.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms
To
The Judge,
Family Court, Vellore.

P.VELMURUGAN, J.



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