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Crl.R.C.No.1483 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.Rc.No.1483 of 2022

K.Suresh S/o Kumaresan

... Petitioner

Versus

1. Karthika

2. Amirtha (Minor)

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401Cr.P.C. against the order dated 15.07.2022 passed in M.C.No.25/2019 by the Judge, Family Court, Villupuram.

For Petitioner : Mr.D.Arun Kumar

For Respondents : Mr.B.D.Kannan, R.Babu

JUDGEMENT

This Criminal Revision Petition has been filed, challenging the order passed by the Judge, Family Court, Villupuram in M.C.No.25/2019 dated 15.07.2022.

2. No representation for the petitioner.



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3. When the matter came up on 09.11.2022, notice was ordered and also directed to list the matter today for final disposal. Notice served to the respondents and they also appeared through their counsel. None appeared on behalf of the petitioner.

4. The petitioner is the husband and the first and second respondents are his wife and daughter respectively. The respondents filed a petition before the Family Court, Villupuram seeking maintenance under Section 125 of Cr.P.C. The Family Court directed the petitioner to pay a sum of Rs.5,000/- to the first respondent and Rs.10,000/- to the second respondent and in addition to that, directed to pay a sum of Rs.50,000/- towards education expenses for the second respondent. Aggrieved over the same, the husband filed this Criminal Revision Petition before this Court.

5. The learned counsel for the respondents submitted that, though



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the petitioner has not filed an Affidavit of Assets and Liability, as per the direction of the Hon'ble Supreme Court, he filed Ex.P6-Salary Certificate, which proved that he is earning a sum of Rs.50,000/- per month. Therefore, considering the said fact and cost of living as on date, the Trial Court has awarded maintenance as stated above and hence, there is no merit in the revision petition.

6. Heard the learned counsel for the petitioner and I have perused the materials on record.

7. It is settled proposition of law that the proceedings under Section 125 Cr.P.C. is summary in nature. The Hon'ble Supreme Court, in the case of ***Rajnesh Vs. Neha and Another reported in (2021) 2 SCC 324*** has held that in the maintenance case both the parties have to file affidavit of disclosure of Assets and Liabilities before the Family Court and such affidavit should be filed within a maximum period of four weeks and the Courts may not grant more than two weeks opportunities for submission of such affidavit.



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8. The marriage between the petitioner and the first respondent; and paternity of the child is not disputed by the petitioner. The Salary Certificate Ex.P6 is also not disputed by him. Further, he has not filed any income proof to rebut the above Ex.P6. As per the decision of the Hon'ble Supreme Court in ***Rajnesh*** case (as stated supra), the petitioner has not filed Assets and Liability Statement. Therefore, this Court do not find any perversity on the orders passed by the Judge, Family Court and hence, this petition has no merits and the same is liable to be dismissed.

9. Accordingly, this Criminal Revision Petition is dismissed.

24.11.2022

Index: Yes/No
Internet: Yes/No
mst

To

1. The Judge, Family Court, Villupuram.
2. The Public Prosecutor, High Court, Madras.

P.VELMURUGAN, J.



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