



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

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

Crl.R.C (MD) .No.418 of 2022
and
Crl.M.P (MD) .No.5454 of 2022

Velmurugan

..Petitioner/Respondent

Vs.

Ranjitha

.. Respondent/Petitioner

PRAYER: This Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order dated 02.04.2019 passed in M.C.No.1 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Rameswaram and set aside the same.

For Petitioner : Mr.A.Jayaramachandran

For Respondent : Mr.D.Balamurugapandi

O R D E R

This petition has been filed to quash the impugned order dated 02.04.2019 made in M.C.No.1 of 2019 dated 02.04.2019 on the file of the learned District Munsif-cum-Judicial Magistrate, Rameswaram.

2.The case of the prosecution is that the petitioner is the husband of the respondent and he got married the respondent on 18.02.2018 and thereafter, due to dowry demand, the respondent lodged a complaint before the All Women Police Station, Rameswaram against the petitioner and his mother and the same was registered in Crime No.8 of 2018, dated 10.12.2018. In that circumstances, the respondent was not able to meet out her basic needs. Therefore, she preferred a claim petition under Section 125 Cr.P.C seeking monthly maintenance of Rs.15,000/- from the petitioner. The petitioner was served notice, but he failed to appear before the trial Court. Therefore, the trial Court set the petitioner as ex-parte and passed the impugned order directing him to pay a sum of Rs.15,000/- as monthly maintenance from the date of filing of the maintenance petition to the respondent. Aggrieved over the same, this revision has been filed by the petitioner.



3.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the records.

4.Admittedly the arrears of maintenance comes to more than Rs.5,00,000/-. So far, the petitioner deposited a sum of Rs.1,50,000/- to the respondent. Considering the facts and circumstance of the case, the petitioner may be given opportunity to put forth the case before the trial Court, since he was set ex-party, on condition that the petitioner shall continue to pay a sum of Rs.7,500/- to the respondent as maintenance till the disposal of the maintenance case.

5.Accordingly, M.C.No.1 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram is set aside and the Criminal Revision Case is allowed on the following condition:

(i)The petitioner is directed to approach the trial Court to put forth the case.

(ii)The petitioner shall pay a sum of Rs.7,500/- as monthly maintenance to the respondent till the disposal of the trial.

(iii)The trial Court is directed to dispose the case after issuing notice to the petitioner and the respondent within a period of three months from the date of their appearance.

Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADMIN-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmk

To

1.The District Munsif Cum Judicial Magistrate, Rameswaram.

Copy to

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

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.A. JAYARAMACHANDRAN, Advocate (SR-23121[F] dated
02/05/2022)

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28.04.2022

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