



CRL.R.C.(MD).No.473 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.12.2022

Delivered on : 09.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CRL.R.C.(MD).No.473 of 2020

and

CRL. MP(MD).Nos.4176 of 2020 and 8328 of 2022

M.Ashiq Meeran @ Mariam Asiq : Petitioner/Respondent

Vs.

M.Karshma Asikha : Respondent/Petitioner

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the order dated 06.06.2020 in M.C.No.13 of 2015 on the file of the Family Court, Tiruchirapalli and set aside the same as illegal.

For Petitioner : Mr.S.A.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.R.Venkatesan



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CRL.R.C.(MD).No.473 of 2020

ORDER

This Revision Petition has been preferred against the order passed by the learned Family Court, Tiruchirapalli, in M.C.No.13 of 2015, dated 06.06.2020.

2.The facts in brief:

The respondent is the daughter of the revision petitioner. The revision petitioner by making false promise to the respondent's mother had sexual contact with her. The mother became pregnant for three times and all these three times, the revision petitioner advised and instructed her to abort the child. But later against the promise, he married to one Sajitha Begum. Now, the mother again became pregnant. Because of the above said issue, the mother was aimed to be killed. So, the mother given a complaint to the Commissioner of Police. In the police station, the police advised the respondent herein to live with the mother. So, they again started living together in a separate house. Because of the above said relationship, the respondent was born on 04.05.2014. The revision petitioner is a political person and was once the Deputy Mayor of Trichy Corporation and he is a wealthy man, having many businesses and he is



CRL.R.C.(MD).No.473 of 2020

earning not less than Rs.10 lakhs per month. Apart from that, he also owns several immovable properties. Seeking maintenance of amount of Rs.2,00,000/-, the maintenance case was filed.

3.That was resisted by the revision petitioner stating that the paternity is not disputed. But it is denied that he developed intimacy with the mother of the respondent. But only the mother developed the intimacy. Even during the above said period, the marriage was performed false complaint has been given and his life also spoiled. As per the Muslim Personal Law, the mother cannot claimed the guardianship right.

4.Before the Trial Court, the mother was examined as P.W.1 and one document was marked on the side of the respondent. The revision petitioner was examined as R.W.1 and marked 8 documents. At the conclusion of the enquiry, the trial Court ordered to pay a sum of Rs.25,000/- as monthly maintenance to the respondent.

5.Challenging the above said order, this revision has been preferred.



CRL.R.C.(MD).No.473 of 2020

WEB COPY

6.Heard both sides.

7.This matter was ordered to be listed along with the Criminal Appeal that was filed by the petitioner CrI.A.(MD)No.408 of 2017 for the offence under Sections 313, 376, 417, 496 and 506(i) IPC. He was convicted and sentenced to undergo 10 years imprisonment in S.C.No.45 of 2016 by the learned Sessions Judge, Mahila Court, Tiruchirappali and that appeal was admitted and direction was issued to the revision petitioner herein to deposit Rs.10,00,000/-(Rupees Ten Lakhs only), which was awarded as compensation by the Trial Court. In pursuance of the above said order, the revision petitioner deposited the above said amount before the learned Sessions Judge, Mahila Court, Tiruchirapali on 26.04.2018 and 13.06.2018 and the mother of the respondent is drawing the interest once in three months to the tune of Rs.19,500/-.

8.While challenging this revision, the above said order was also taken into account and that order was passed on 25.08.2020 to pay a sum of Rs.5,000/- in addition to the interest, which the mother of the respondent, she is withdrawing.



CRL.R.C.(MD).No.473 of 2020

WEB COPY

9. So this is the development. Against which, the present revision has been preferred mainly on the ground that the issue is between himself and the respondent's mother and it is a matter for them to workout their remedy before the concerned Court. Here the paternity is not disputed. The revision petitioner is the father, which is admitted. Naturally, he is bound to maintain the child. In the grounds, he has stated that there is no independent income for him and also not owning any property. As mentioned earlier, the deposits have been made by him in pursuance of the order passed by this Court in Crl.M.P.(MD)No.2081 of 2018 in Crl.A.(MD)No.408 of 2017.

10. So, the learned counsel for the respondent would submit that even if we calculate the monthly interest, which the respondent's mother is drawing is below Rs.5000/-. In addition to that, this Court has ordered to pay Rs.5,000/- as maintenance at the time of admission. So, she is getting below Rs.10,000/- per month and this amount according to her, is very low.

11. The learned counsel for the revision petitioner submitted that because of the unnecessary trouble created by the mother of the



CRL.R.C.(MD).No.473 of 2020

respondent, the entire political life was spoiled. But as mentioned earlier that the issue should not be taken into account to deny the legitimate right of the child. Now, considering the status of the revision petitioner, the ordering Rs.25,000/- per month by the trial Court cannot be stated to be excessive or luxurious in nature.

12. I am of the considered view, that no ground has been made out by the revision petitioner to interfere into the order that has been passed by the trial Court. But however, considering the fact that the respondent's mother is drawing once in three months towards the maintenance that amount must be deducted from the amount of maintenance Rs.25,000/- that is ordered here.

13. Even though the learned counsel for the respondent would submit that the amount is entirely for the welfare of the child after attaining the majority, so that the amount should not be taken into account, but the respondent's mother was permitted to withdraw the interest amount once in three months only for the purpose of maintaining the child. So, that amount must necessarily be deducted from the amount that is to be passed by the trial Court.



CRL.R.C.(MD).No.473 of 2020

WEB COPY

14.So, the Revision Petition is liable to be partly allowed and the maintenance amount of Rs.25,000/- per month awarded by the Trial Court is reduced to Rs.20,000/-, which is in addition to the interest amount which the respondent's mother is now withdrawing. So, the above said arrears amount has been deposited within two months from the date of receipt of a copy of this order. The respondent and her mother can withdraw the said amount.

15.So, this Revision Petition is partly allowed to the extent noted above. Consequently, connected miscellaneous petitions are closed.

09.12.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The Family Court, Tiruchirapalli.
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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CRL.R.C.(MD).No.473 of 2020

G.ILANGOVAN, J.

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CRL.R.C.(MD).No.473 of 2020

09.12.2022