



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.568 of 2020

Ganesan

... Petitioner/Respondent

Vs.

Revathi

... Respondent/ Petitioner

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, R/W Section 19(4) of the Family Court Act, 1984, to call for the records and set aside the order, dated 20.02.2020 passed in M.C.No.18 of 2019, on the file of the Family Court, Ramanathapuram.

For Petitioner : Mr.T.R.Jeyapalam

For Respondent : No Appearance

O R D E R

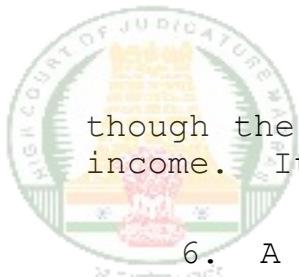
This petition has been filed to set aside the order, dated 20.02.2020 passed in M.C.No.18 of 2019, on the file of the Family Court, Ramanathapuram.

2. The case of the prosecution is that the petitioner got married the respondent on 18.06.2012, as per Hindu rites and customs of the community. Thereafter, due to some misunderstanding and also dowry demand, the respondent was driven out from the matrimonial home. Therefore, the respondent filed a petition for maintenance from the petitioner on the ground that she could not able to maintain herself and the petitioner is working in abroad and drawing a salary of more than Rs.50,000/- (Rupees Fifty Thousand only) per month.

3. On the side of the respondent he examined P.W.1 and P.W.2 and marked Ex.B.1 and B.2. The petitioner did not examine any witnesses and did not mark any document in support of his contention.

4. On a perusal of the material and oral evidence, the Court below ordered a sum of Rs.5,000/- (Rupees Five Thousand only) as monthly maintenance payable by the petitioner in favour of the respondent herein.

<https://hcservices.courts.gov.in/hcservices/> The learned counsel for the petitioner would submit that



though the petitioner is working in abroad, due to Covid, he has no income. It may be reduced reasonably.

6. A perusal of records revealed that after marriage the respondent was driven out from her matrimonial home due to dowry harassment by the petitioner and his family members. That apart, the petitioner also filed a petition for divorce in H.M.O.P.No.84 of 2016, on the file of the learned Sub Court, Ramanathapuram and thereafter, transferred to the file of Family Court, Ramanathapuram and it is pending in H.M.O.P.No.132 of 2019. Admittedly, the respondent was driven out from the matrimonial home and she was living separately. She could not able to maintain herself and as such, rightly prayed the petition for under Section 125 Cr.P.C insofar as the income of the petitioner is concerned. Admittedly, he is working in abroad in 2019 and has categorically admitted that he is earning more than Rs.30,000/- (Rupees Thirty Thousand only) per month in abroad.

7. Considering the above, the Court below ordered Rs.5,000/- (Rupees Five Thousand only) as monthly maintenance payable by the petitioner herein. The said amount is very meagre now a days, since the petitioner is working in abroad. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below. This Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

The Judge,
The Family Court,
Ramanathapuram.

CrI.R.C. (MD) No.568 of 2020
05.04.2022

SRR (CO)
KB (09.05.2022) 2P 2C