



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.834 of 2021

and

CrI.M.P(MD)No.9739 of 2021

Manickavel

...Petitioner/Respondent

Vs.

1.Shenbagasundari

2.Minor Muthu Vijay

3.Minor Devadharshini

...Respondents/Petitioners

(Respondents 2 and 3 are represented through

their mother and guardian the 1st respondent herein)

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, 1973, to call for the records pertaining to the impugned order passed in Cr.R.P.No.64 of 2018 on the file of III Additional District and Sessions Court, Thanjavur at Pattukottai, dated 13.08.2021 and set aside the same.

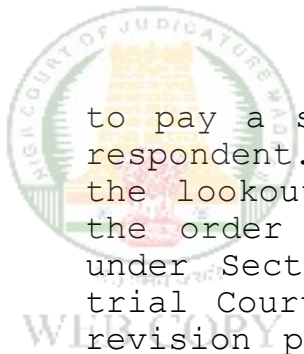
For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.T.Lajapathy Roy

ORDER

This petition has been filed to set aside the impugned order passed in Cr.R.P.No.64 of 2018 on the file of learned III Additional District and Sessions Judge, Thanjavur at Pattukottai, dated 13.08.2021.

2.The petitioner is the husband and the first respondent is the wife. After their marriage, they gave birth to the respondents 2 and 3 herein. Due to misunderstanding and various allegations, the first respondent was driven out from the matrimonial home. Therefore, the respondents have filed a petition in M.C.No.12 of 2012, for maintenance before the learned Judicial Magistrate, Pattukottai. Though the petitioner received the summons in the maintenance case, he failed to appear before the Court below and he was set as ex-parte. Thereafter, the trial Court ordered to maintenance of Rs.7,000/- each to the respondents herein payable by the petitioner by order dated 21.06.2021. But the petitioner has failed to comply with the order passed by the Court below and went to abroad and as such the respondents filed a petition to execute the order passed by the Magistrate under Section 128 of Cr.P.C. In the meanwhile, a lookout circular was issued by the Superintendent of Police, Thanjavur to the petitioner and was challenged in CrI.O.P (MD)No.2495 of 2017. This Court directed the petitioner to deposit a sum of Rs.3,00,000/- to the credit of M.C.No.12 of 2012 on the file of the learned Judicial Magistrate, Pattukottai and directed



to pay a sum of Rs.5,000/- per month as maintenance to the first respondent. On such condition, the police is directed to re-call the lookout circular issued by him. The trial Court misconstrued the order passed by this Court and dismissed the petition filed under Section 128 of Cr.P.C. to execute the order passed by the trial Court. Aggrieved by the same, the respondents have filed a revision petition and the same was allowed. While allowing the revision, the Court below directed to adjust the amount, which was deposited by the petitioner herein and for payment of Rs.5,000/- as directed by this Court in the arrears of maintenance and also monthly maintenance. Therefore, this Court finds no infirmity or illegality the order passed by the revision Court and the revision is devoid of merits and dismissed.

3.It is also made clear that whatever the amount paid by the petitioner can be adjusted towards the maintenance ordered by the trial Court in M.C.No.12 of 2012. Insofar as the arrears of maintenance and monthly maintenance payable by the petitioner of Rs.7,000/- to the respondents are restored and the trial Court is directed to pass appropriate orders to recover the same from the petitioner.

4.Accordingly, the Criminal Revision Case is disposed of. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To:

1.The III Additional District and Sessions Judge,
Thanjavur at Pattukottai

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19219[F] dated
19/04/2022)

Cr1.R.C(MD)No.834 of 2021 and
Cr1.M.P(MD)No.9739 of 2021
18.04.2021

_RD(25.05.2022) 2P 3C