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Crl.R.C.No.322 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.322 of 2020

and

Crl.M.P.Nos.3487 and 3489 of 2020

S.Ilangeethan

... Petitioner

Versus

1.K.Settudurai

2.S.Sumathi

... Respondents

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to set aside the order dated 20.08.2019 passed in M.P.No.329 of 2018 in M.C.No.258 of 2014 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.S.Venkata Krishna Kumar

For Respondents : Mr.K.Hari Krishnan

ORDER

The Criminal Revision Case has been preferred against the order dated 20.08.2019 passed in M.P.No.329 of 2018 in M.C.No.258 of 2014 on the file of the III Additional Family Court, Chennai.



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2. The petitioner is the son and the respondents 1 and 2 are his parents.

3. The respondents herein filed a maintenance case in M.C.No.258 of 2014 before the III Additional Family Court, Chennai under Section 125 Cr.P.C seeking maintenance. Pending maintenance case, the respondents herein filed a miscellaneous petition in M.P.No.329 of 2018 before the Court below seeking interim maintenance of Rs.20,000/-per month to each of the respondents. The learned III Additional Principal Judge, after appreciating the entire materials, ordered a sum of Rs.10,000/-, to each of the respondents herein per month as interim maintenance. Aggrieved by the same, the petitioner has filed the present revision.

4. The learned counsel for the petitioner submitted that the petitioner has already paid a sum of Rs.1 crore and above to the respondents and he is also making some payments to the respondent. Now, the petitioner is ready to settle the matter.

5. Per contra, the learned counsel for the respondents submitted that the petitioner has not paid any amount to the respondents. Despite having



sufficient means, the petitioner neglected to maintain his parents. Hence, the respondents filed the maintenance case.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents and also perused the materials available on record.

7. It is seen that the maintenance case is pending from the year 2014. Since the Family Court has not disposed of the maintenance case, the respondents filed a miscellaneous petition in M.P.No.329 of 2018 before the Court below seeking interim maintenance. The Court below, after considering the provisions under Section 125 Cr.P.C., ordered interim maintenance in the year 2019.

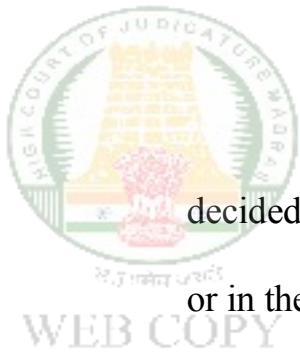
8. The scope of Section 125 Cr.P.C is summary in nature and its object itself has to be decided within a short span of time, unfortunately, the Family Court and the learned counsel on either side are protracting the case only to deviate the procedures as contemplated under Section 125 Cr.P.C. Time and again, the Hon'ble Supreme Court and this Court issued directions that the maintenance case should be disposed of on merits within a prescribed time



limit. In the case on hand, the old aged parents are suffering without maintenance from his own son, who is a Marine Engineer and earning a sum of Rs.9 lakhs per month. Of course, as a Marine Engineer he is on ship for six months and in land for six months, however, he is getting sufficient income, whereas, the respondents are unable to maintain themselves. However, all these facts can be decided only in the maintenance case.

9.Now, the revision is arising out of the interim maintenance passed in the interlocutory order. It is settled proposition of law that the revision would not lie against any interlocutory application/interim order.

10.Admittedly, the relationship between the parties and the financial status of the petitioner are not in dispute. The respondents are none other than parents of the petitioner. Further, the petitioner is working as a Marine Engineer and earning sufficient income. It is a case of the petitioner that the respondents are able to maintain themselves and despite having sufficient means to maintain themselves, they have filed maintenance case. However, both the petitioner and the respondents have not disclosed their assets and liabilities to ascertain their income. As stated above, all the questions can be



decided only in the main maintenance case not in the interlocutory application or in the present revision.

11. Taking into consideration the facts and circumstances, this Court finds that the Family Court ordered a meagre sum of Rs.10,000/- to each of the respondents and it does not require any interference and there is no merit in the revision and the same is liable to be dismissed.

12. Accordingly, this Criminal Revision Case is dismissed. The petitioner is directed to deposit entire arrears amount, if any, within a period of one month, from today, failing which, the learned Magistrate is directed to issue warrant and execute the order in accordance with law. Both the parties are at liberty to file their Affidavit of Assets and Liabilities as stated in the Enclosure I to III of the judgment in the case of ***Rajnesh vs. Neha and another*** reported in ***(2021) 2 SCC 324*** before the Court below within a period of three weeks from today. On receipt of the same, the learned Judge, Family Court is directed to dispose of the maintenance case in M.C.No.258 of 2014 within a period of three months from today. It is made clear that no extension of time would be granted to dispose of the maintenance case. If the Family



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Court do not understand the scope of Section 125 Cr.P.C and to dispose of the matter within a stipulated time, the same will be viewed seriously.

Consequently, connected miscellaneous petitions are closed.

02.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To

The III Additional Principal Judge,
Chennai.



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P.VELMURUGAN, J.

ms

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