



Crl.R.C. No.1254 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No.1254 of 2023

D. Ravi

...Petitioner

Vs.

Anuradha

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. against the order dated 05.12.2022 in M.C. No.11 of 2019 on the file of the Family Court, Tiruvallur.

For Petitioner : Mr. P. Krishnan

ORDER

The present Criminal Revision Petition is filed against the orders dated 05.12.2022 passed in M.C. No.11 of 2019 by the Judge, Family Court, Tiruvallur.



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2. The sequence of events are narrated as under:

- i. The present revision petitioner is the husband of the respondent herein and their marriage was solemnised on 12.04.1993 as per Hindu rites. Two children were born to them out of the said wedlock
- ii. Since the present revision petitioner used to abuse the respondent in filthy language and also used to assault her causing grievous injuries to her, she left the matrimonial home during the year 2007. She also lodged a complaint with the Superintendent of Police, Vellore in this regard and the said complaint was referred to the Inspector of Police, All Women Police Station, Arakkonam, for enquiry.
- iii. During the enquiry, the petitioner/husband expressed that he is not willing to live with the respondent/wife and the respondent/wife had contended that the revision petitioner chased her out from the matrimonial home and therefore she started living with her mother along with her children.
- iv. It is also her contention that one of her children is physically



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challenged and another girl child is a student. Therefore, she filed M.C. No.11/19 before the Family Court, Thiruvallur, seeking maintenance of Rs.15,000/- per month.

- v. The present revision petitioner filed a counter denying all the allegations levelled against him. According to the revision petitioner, the respondent/wife deserted him voluntarily without any valid reason and therefore, he is not liable to pay any maintenance to her.
- vi. In the trial court, the respondent/wife examined herself and marked Ex.P1 to Ex.P5. The revision petitioner/husband examined himself. However, no documentary evidence was adduced on his side.
- vii. After analysing the oral and documentary evidence adduced on both sides, the learned Judge, Family Court, Thiruvallur, allowed the petition filed by the respondent/wife and directed the present petitioner to pay a maintenance of Rs.7,500/- per month from the date of petition.



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3. Aggrieved over the said orders, the present Criminal Revision petition is filed by the petitioner/husband.

4. This Revision Petition is listed before this Court today for admission and the same is decided at the admission stage.

5. Mr. P. Krishnan, learned counsel for the petitioner contended that the revision petitioner is willing to take back his wife and his children to the matrimonial home and that there is a scope for settlement in the present case. However, it is seen from the orders passed by the trial court that the present revision petitioner did not adduce any documentary evidence to show his willingness to take back the present respondent and her children to the matrimonial home. He did not also file a petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal rights. In fact, the present maintenance case was filed in the year 2019 and orders were passed only in the year 2022. During this period, the revision petitioner did not take steps to take back his wife and children and instead he had contested the said petition. The trial court had taken all these aspects into account and had rightly



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awarded a maintenance of Rs.7,500/- to the respondent/wife. It is also seen from the records that the present revision petitioner admitted that he is employed as BT Assistant in a Government School and is earning a salary of Rs.85,000/- per month. In the circumstances, it cannot be stated that the maintenance awarded by the trial court is on the higher side. Therefore, the present Criminal Revision Petition is dismissed at the admission stage itself.

6. In the result,

- i. the Criminal Revision Petition is dismissed. No costs.
- ii. The order dated 05.12.2022 in M.C. No.11 of 2019 on the file of the Family Court, Tiruvallur. is confirmed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

The Judge, Family Court, Tiruvallur

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