



CrI.RC.No.441 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.441 of 2020

and

CrI.M.P.No.3513 of 2020

Arun Kumar

... Revision Petitioner

Vs.

1. Prasanna Dhananjayan

2. Vnusha Arun

Represented by her mother and natural Guardian

Mrs.Prasanna Dhananjayan

D/o.Dhananjayan

Permanently residing at No.10, Subhash Street

Rajaji Nagar

Villivakkam, Chennai-600 049.

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 27.02.2020 passed in M.P.No.122 of 2020 in M.C.No.567 of 2018 on the file of V Family Court, Chennai.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : Proof of Service not filed on respondents



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ORDER

This Criminal Revision Petition has been filed seeking to set aside the docket order dated 27.02.2020 passed in M.P.No.122 of 2020 in M.C.No.567 of 2018 on the file of V Additional Family Court, Chennai.

2. The first respondent along with her child/2nd respondent had filed a maintenance case in M.C.No.567 of 2018 on the file of the V Additional Family Court, Chennai, against her husband/the petitioner herein, seeking Rs.10 lakhs per month towards the living and educational expenses of the minor child/2nd respondent herein. The petitioner/husband did not appear before the Family Court. Considering the materials, the Family Court ordered a sum of Rs.5 lakhs per month towards living and educational expenses to the respondents herein from the date of filing of the petition, by order dated 01.08.2019. Subsequently, the wife filed a petition in M.P.No.122 of 2020 seeking direction to the husband to pay the arrears of maintenance as ordered in M.C.No.567 of 2018 dated 01.08.2019. The Court below gave sufficient



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opportunity to the husband/petitioner herein to pay the arrears of maintenance. However, the petitioner/husband did not come forward to pay the maintenance and hence, the Family Court, by docket order dated 27.02.2020, cancelled the order of appoint of power agent. Aggrieved over the same, the petitioner/husband has filed the present revision before this Court.

3. The revision is filed in the year 2020. For the past two years, the petitioner has not taken any steps to serve notice on the respondents. Though the matter was referred to Lok Adalat, it was not settled. When the matter came up before this Court on 16.12.2022, this Court ordered notice and private notice and directed the counsel for the petitioner to file Affidavit of Service.

4. Today (11.01.2023) when the matter is taken up for hearing, the Affidavit of Service was filed. Hence, this Court is inclined to dispose of the revision on merits.



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5. This Court perused the materials available on record.

6. The marriage between the petitioner and the 1st respondent is not in dispute. The paternity of the child/2nd respondent is also not in dispute. Admittedly, now both the petitioner and the respondents are living separately. Considering the facts and circumstances, the Family Court has ordered maintenance to the respondents herein. However, the petitioner purposefully evaded to pay the maintenance and even after giving sufficient opportunity to pay the arrears amount, the petitioner did not pay the arrears amount and thereby, the learned Judge has cancelled the order of appointment of power agent. After filing of this revision, this Court gave sufficient opportunity to the petitioner to serve notice on the respondents. However, the petitioner has not taken any steps to serve notice on the respondents.

7. It is settled law that the procedure under Section 125 Cr.P.C. is summary in nature. The wife and children who are unable to maintain



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themselves, can approach the Court by invoking Section 125 Cr.P.C. for maintenance. But the attitude of the petitioner itself clearly shows his intention of evading the payment of maintenance to the child and wife, who are struggling to meet their daily needs, which defeated the object of Section 125 Cr.P.C.

8. Therefore, the Criminal Revision Case is dismissed.
Consequently, connected Miscellaneous Petition is closed.

11.01.2023

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To

The V Additional Family Court,
Chennai.



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