



S.A.No.1067 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

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

Crl.R.C.No.1067 of 2023

Javith Baig

...Petitioner

Vs.

Sabika

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 read with 401 Cr.P.C. against the order dated 31.10.2022 passed in M.C. No.22 of 2019 on the file of the Family Court, Villupuram.

For Petitioner : Mr. R. Raghu

For Respondent : Mr.L.P.Balajiram

JUDGMENT

The present Criminal Revision Petition is filed against the order dated 31.10.2022 passed in M.C. No.22 of 2019 on the file of the Family Court, Villupuram.

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2. The revision petitioner is the respondent in M.C.No.22/2019 on the file of the Family Court, Villupuram. The respondent/petitioner filed the said petition under Section 125 Cr.P.C. seeking maintenance of Rs.20,000/- per month to her from the revision petitioner.

3. The facts of the case in nutshell are as follows:

- i. The petitioner and the respondent got married on 05.08.2018 as per the Muslim customs and rights. Thereafter, they were living together at Villupuram.
- ii. The present revision petitioner is working in Isolve Software Company, Mandaveli, Chennai, and earning a sum of Rs.70,000/- towards his salary.
- iii. Since the present revision petitioner suspected the fidelity of his wife (respondent herein), she had to leave the matrimonial home.
- iv. Thereafter she filed the petition in M.C. No.22/2019 seeking for a maintenance of Rs.20,000/- per month from the present revision petitioner.



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y. The revision petitioner/respondent filed a counter stating that the respondent/petitioner used to pick up quarrel with his family members and that she left the matrimonial home without any valid reason. According to him, the respondent/ petitioner also filed a false complaint before the All Women Police Station, Villupuram, on account of which, the family members of the revision petitioner had to obtain anticipatory bail. His further contention was that the respondent/petitioner owns 3½ acres of land in Kavarai village from which she is earning a sum of Rs.3 lakhs per month. Therefore, he prayed for dismissal of the petition.

4. In the trial court, the petitioner examined herself as P.W.1 and marked Ex.P1 to Ex.P3. The respondent examined himself as R.W.1. However, no document was adduced on his side.

5. After analysing the oral and documentary evidence adduced on both sides, the learned Family Court Judge, Villupuram, directed the present revision petitioner to pay a sum of Rs.10,000/- to the respondent/



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petitioner on or before 5th day of every English Calendar month, vide her orders dated 31.10.2022.

6. Now, the present Criminal Revision Petition is filed by the respondent in M.C. No.22/2019.

7. Heard Mr. R. Raghu, learned counsel for the revision petitioner and Mr.L.P.Balajiram, learned counsel for the respondent.

8. Mr. R. Raghu, learned counsel for the revision petitioner contended that though the revision petitioner is earning only a sum of Rs.25,000/- per month and that too on temporary basis, the trial court judge had awarded a sum of Rs.10,000/- per month towards maintenance to the respondent/petitioner. His further contention is that the respondent/petitioner owns 3 ½ acres of land in a village from which she is getting a monthly income of Rs.3 lakhs. According to him, the trial court judge did not consider these aspects and had directed the present revision petitioner to pay a sum of Rs.10,000/- towards maintenance to



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9. Per contra Mr.L.P.Balajiram, learned counsel for the respondent/petitioner contended that the trial court had properly analysed the evidence adduced on both sides and there is no reason for this court to interfere with the same, that too, under Section 397 Cr.P.C.

10. It is an admitted fact that the petitioner and the respondent were married to each other and at present are separated. It is seen from the records that the revision petitioner did not take any steps to get his wife back to the matrimonial home. The learned trial court judge had taken into account the evidence adduced on both sides and come to a conclusion that the respondent/petitioner had not left the matrimonial home without any reason and that the present revision petitioner had neglected her. This observation of the trial court judge is based on the evidence of P.W.1 and R.W.1. In fact the particular portion of their evidences were extracted by the trial court to come to the above conclusion.



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11. The trial court had also gone into the aspect of the income of the respondent. It is specifically stated by the revision petitioner that he is working in a Software Company and his nett salary is around Rs.25,000/- . The learned counsel for the revision petitioner contended that the revision petitioner is only a temporary employee in the private company and that his salary is just Rs.25,000/- per month. He also contended that he has two unmarried sisters and aged parents and therefore he was not in a position to part with a sum of Rs.10,000/- per month to the present respondent towards maintenance.

12. It is seen from the counter submitted by the revision petitioner/respondent that he had admitted that he is drawing a salary of Rs.70,000/- per month. However, during the course of cross examination he had deposed that he is not earning Rs.70,000/- per month and that his salary is only Rs.25,000/- per month and that too after so many deductions. As regards the contention of the present petitioner that the respondent owns 3 ½ acres of land, through which she is earning a sum of Rs.3 lakhs per month, it is to be pointed out that no evidence was



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adduced by him to substantiate his contention. During the course of arguments, the learned counsel for the revision petitioner contended that the respondent's father is owning 3 ½ acres of land. Therefore, it is clear that the respondent herein does not have any independent source of income. The trial court after taking various aspects into consideration had rightly awarded a maintenance of Rs.10,000/- to the respondent and this Court does not see any reason to interfere with the same. Accordingly, the Criminal Revision Petition is liable to be dismissed.

13. In the result,

- i. the Criminal Revision Petition is dismissed. No costs.
- ii. the orders passed in M.C. No.22 of 2019 on the file of the Family Court, Villupuram dated 31.10.2022, is confirmed.

04.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
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To

1. The Judge, Family Court, Villupuram.
2. The Section Officer, VR Section, High Court, Madras.

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