



Crl.R.C.No.1444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1444 of 2023

and

Crl.M.P.No.12529 of 2023

G.Ramamurthy

... Petitioner

Vs.

R.Amsaveni @ Amutha

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records of the III Additional Principal Family Court, Chennai in M.P.No.577 of 2022 in M.C.No.14 of 2022 dated 11.10.2022 and set aside the same.

For Petitioner : Mr.G.Mohan

For Respondent : Mr.Rahul Jagannathan



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ORDER

The petitioner who is the respondent in M.P.No.577 of 2022 in M.C.No.14 of 2022, challenging the order of interim maintenance dated 11.10.2022 filed this revision petition.

2.The contention of the learned counsel for the petitioner is that the petitioner denies the marriage between the petitioner and the respondent and other events thereafter. According to the petitioner, no marriage was solemnized between them either on 09.02.1990 or any other date thereafter. The respondent is not the wife of the petitioner and he is not her husband. The petitioner working in the Police Department was posted at Tiruvannamalai Taluk Police Station as Special Sub Inspector. The petitioner got married to one Latha and he had a son, namely, Santhosh who is aged about 19 years. The petitioner knew the respondent while he was in service at Chennai and was staying at St.Thomas Mount Police Quarters, at that time, the respondent was a Maid Sweeper in the Police Quarters building. The respondent's brother used to visit the Police Quarters



regularly, thereafter the petitioner and the respondent's brother became friends and in that manner, the respondent is known to the petitioner.

Taking advantage of this acquaintance, the respondent projected as though marriage was solemnized between the petitioner and herself, out of their wedlock they had a son and their marriage was registered with the registration authorities. He would submit that a property was purchased by the petitioner in the name of one R.Palayan terming him as a son is also false. He would further submit that due to the harassment caused by the respondent and several representations made against him, the petitioner was suspended from service and he is now surviving with the subsistence allowance. Further, the petitioner has no other income from any property as projected by the respondent.

3.Learned counsel for the petitioner submitted that initially a maintenance case was filed in M.C.No.14 of 2022 before the III Additional Family Court, Chennai and when the proceedings were in progress, the respondent filed a petition seeking interim maintenance during July 2022. According to the respondent, the marriage between the petitioner and



herself was solemnized on 09.02.1990 and out of their wedlock, a male child R.Palayan was born on 05.01.1991. He would submit that all these years the respondent kept silent and suddenly in the year 2022, she filed a maintenance case. He would further submit that the petitioner had a family dispute with his brother and the respondent is a handy tool at the hands of the petitioner's brother who engineered such a false case against him and also complaints were made to the higher officials of the Police Department. He would further submit that the main maintenance case itself can be concluded within a stipulated period and the petitioner has got a good chance in succeeding the maintenance case, but the Lower Court without considering these aspects passed an order of interim maintenance on 11.10.2022 directing the petitioner to pay a sum of Rs.20,000/- per month to the respondent which is an onerous condition. He further submitted that the petitioner was suspended from service and he is only receiving subsistence allowance of Rs.40,000/-, in which if he paid Rs.20,000/- as interim maintenance with the balance amount of Rs.20,000/- he cannot sustain himself. He would further submit that the petitioner is ready and willing to pay Rs.15,000/- per month without prejudice to his rights and defence.



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Hence, the present petition is filed.

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4.In support of his contention, the learned counsel for the petitioner filed the typed set of papers containing the sale deed vide Document No.6690 dated 13.07.2015, copy of the complaint to the Police Higher Officials dated 18.06.2021, FIR in Crime No.6 of 2023 for the offence under Section 494 IPC and the suspension order of the petitioner dated 05.07.2023.

5.The learned counsel for the respondent vehemently opposed the contention of the petitioner and submitted that the marriage between the respondent and the petitioner was solemnized on 09.02.1990 which was registered in SRO, Thiruvottiyur and after the marriage, they were residing as husband and wife in Block-C, Door No.3, Police Quarters, V.P.line, St.Thomas Mount, Chennai -600016. Out of their wedlock, they were blessed with one male child, namely, R.Palayan on 05.01.1991. After sometime, the petitioner started picking up quarrel with the respondent for silly reasons and this got aggravated after the birth of the child. At that



time, the petitioner was employed as Police Constable at Chennai and earning around Rs.15,000/- per month, even during that period the petitioner had not taken care of the respondent. He would submit that the petitioner was found to be having illicit relationship with one Selvi, who worked in a restaurant in the Police Quarters. Since the respondent objected to the same, the petitioner moved to Tiruvannamalai District and thereafter, he had no contact with the respondent. Suddenly, the Administrative Officer of the Police Quarters informed the respondent that she had to vacate the quarters since the petitioner got transferred and also given a letter to vacate the quarters. The respondent was thrown away from the Police Quarters and thereafter, she had to sustain herself with the help of her family members. This inhuman act would clearly show the petitioner's attitude in having his lust satisfied and after deserting the respondent, the petitioner was found to have married one Latha. On coming to know about the same, the respondent gave a complaint to the Police Higher Officials. During the enquiry, the petitioner admitted the illegal marriage with Latha and assured that he will pay monthly maintenance to the respondent and her son, but he failed to do so. Thereafter, another complaint was given to the



Police Higher Officials which bear no result but the petitioner is living happily with the said Latha, enjoying all his earnings and benefits.

6.Learned counsel for the respondent further submitted that the petitioner is presently posted as Special Sub Inspector in Tiruvannamalai District having a monthly income of Rs.65,000/- and he also owns a property at Tiruvannamalai and getting a rental income of around Rs.50,000/-. Thus the petitioner having neglected to take care of the respondent and pay anything as monthly maintenance, the respondent filed a maintenance case, in which a petition for interim maintenance was filed. The respondent marked 11 documents, Ex.P1 is the marriage photo, Ex.P2 is the marriage registration certificate, Ex.P3 and Ex.P4 are the Aadhaar cards of the petitioner and her son, Ex.P5 and Ex.P6 are the copy of the complaints dated 18.06.2021 and 01.09.2021, Ex.P7 is the 'A' register copy, Ex.P8 is the Computer Patta stands in the name of the petitioner, Ex.P9 is the joint photographs of the petitioner, Ex.P10 is the reply received through RTI and Ex.P11 is the reply from Superintendent of Police, Tiruvannamalai District. The Lower Court finding that the respondent proved the marriage



and also taking into consideration the income and asset statement of the petitioner, had rightly ordered interim maintenance of Rs.20,000/- per month. He would further submit that now the petitioner denying the respondent's status as wife of the petitioner and further portraying her in bad light is not proper and it only expose the petitioner's attitude and disposition towards the respondent. He further submitted that the Police Higher Officials conducted enquiry and found that the respondent being the wife of the petitioner, recorded the respondent as wife in the Service Register of the petitioner for the family benefits. Further, the petitioner claiming that he was suspended from service and put to financial hardship is his own creation which he cannot pick as an excuse to deny the payment of interim maintenance. He would also submit that the respondent has got nothing to do with the dispute between the petitioner and his brother in the family property and it is nothing but an imaginary story of the petitioner. Hence, he prayed for dismissal of the petition.

7.Considering the submissions made and on perusal of the materials, it is seen that the petitioner and the respondent are husband and wife which



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was confirmed by the Family Court and in the Service Register of the petitioner, the respondent's name was recorded as wife of the petitioner entitled for all benefits. The petitioner now denying the status of the respondent as wife cannot be accepted. Further, these factual aspects are to be decided only during trial in the maintenance case and as far as the interim maintenance granted, the impugned order is a detailed one which was passed after recording both oral and documentary evidence. Hence, this Court finds no reason to interfere with the impugned order.

8. Accordingly, the Criminal Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

21.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

The Judge,
III Additional Principal Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

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