



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

Crl.R.C.No.1084 of 2022 &

Crl. M.P. No.12233 of 2022

M. Raju

...Petitioner

Vs.

1. Mrs. S.Radhika

2. Master Monesh, Minor Aged 8 years

...

Respondents

Prayer : Criminal Revision filed under Section 397 & 401 Cr.P.C. against the order dated 27.04.2022 passed in M.C.No.80/2018 on the file of the III Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr. R. Harinath

For Respondents : Mr. D. Nellaiappan

ORDER

The present Criminal Revision is filed against the orders dated 27.04.2022 passed in M.C.No.80/2018 on the file of the III Additional



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

Principal Judge, Family Court, Chennai.

2. The revision petitioner is the respondent in M.C.No.80/2018.

The respondent herein filed the said petition under Section 125 Cr.P.C before the III Additional Principal Judge, Family Court, Chennai, seeking maintenance of Rs.40,000/- from the revision petitioner for herself and her minor son. The learned III Additional Principal Judge, Family Court, Chennai, after analysing the oral and documentary evidence adduced on both sides, partly allowed the maintenance case and directed the present revision petitioner to pay a sum of Rs.15,000/- per month to the 1st respondent and Rs.10,000/- per month to the 2nd respondent towards maintenance from the date of filing i.e. 31.01.2018. The revision petitioner was further directed to pay the future maintenance amount to the 1st respondent on or before every 5th day of English Calendar month and the arrears of maintenance within a period of two months from the date of the order.

3. The facts leading to the filing of the present Criminal



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

WEB COPY

Revision are narrated as under:

- i. The revision petitioner and the 1st respondent are husband and wife and their marriage was solemnized on 08.03.2009 at Sri Valli Mahal, Madhavaram High Road, Chennai 600060, as per Hindu rites and customs. Out of the said wedlock, a male child (2nd respondent) was born on 08.12.2009. In October 2009, the 1st respondent left for her parents home for delivery of her child. During May 2010, the revision petitioner's father took the 1st respondent and her child to the matrimonial home. The relationship between the husband and wife was cordial for about a month. Thereafter, on 07.06.2010, the 1st respondent was sent back to her parent's home along with her child without any valid reason and the revision petitioner's father accompanied them.
- ii. Therefore the 1st respondent filed two petitions, one under Section 9 of the Hindu Marriages Act in O.P. No. 3848 of 2017 for restitution of conjugal rights and another in M.C.No.80 of 2018 for maintenance before the III Additional Principal Judge, Family



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

WEB COPY

Court, Chennai. Both the petitions were taken up together.

O.P.No.3848 of 2017 was allowed and the maintenance case in

M.C. No.80 of 2018 was partly allowed as stated above.

iii. Aggrieved over the orders passed in M.C. No.80 of 2018, the present Criminal Revision is filed by the husband.

4. Heard Mr. R. Harinath, learned counsel for the petitioner and Mr.D.Nellaiappan, learned counsel for the respondent.

5. Mr. R. Harinath, learned counsel for the petitioner contended that the 1st respondent did not do any household work and did not also take care of the revision petitioner's parents as per Hindu culture and that she used to refer the revision petitioner as "second hand" since the first wife of the revision petitioner had died and subsequently he married the 1st respondent. According to the learned counsel for the revision petitioner these aspects have not at all been taken into consideration by the trial court. It is also his contention that the revision petitioner cannot pay huge sum of Rs.25,000/- towards maintenance.



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

WEB COPY

6. Per contra Mr.D. Nellaiappan, learned counsel for the respondent contended that the trial court, by a well considered order awarded maintenance of Rs.25,000/- to the respondents and there is no reason for this court to interfere with the same.

7. The revision petitioner filed a counter with his salary slip of the year 2019 wherein his salary was mentioned as Rs.15,000/- . The same amount is indicated in the salary certificate dated 20.03.2021 which was filed by the respondent along with his proof affidavit. Apart from that in the proof affidavit the revision petitioner had stated that he is working as an Executive cum clerk in a small firm earning a sum of Rs.15,000/- per month apart from conveyance allowance. In this regard the revision petitioner relied on the certificate issued by one P.K.Eappen, authorised signatory of Hi-Tech Management Consultants dated 20.01.2019 certifying that the present revision petitioner is drawing a consolidated salary of Rs.15,000/- per month. But he did not examine the said P.K.Eappen, who had issued the said certificate. The learned



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

WEB COPY

counsel for the revision petitioner also relied on the appointment letter issued to the present petitioner by the authorised signatory of S.V. Enterprises, wherein it is stated that the petitioner is appointed as a site supervisor from 10.10.2022 and his consolidated emoluments per month is Rs.20,000/- inclusive of all allowances.

8. It is pertinent to point out that the educational qualification of the revision petitioner is A.M.I.E. and the trial court considering the social status of the petitioner and the respondent awarded a sum of Rs.25,000/- per month towards maintenance and the same cannot be said to be on the higher side. Moreover, the revision petitioner seems to frequently change his job and normally a person would hop on to another job only if he gets better career path and increase in salary. In the instant case, the revision petitioner states that he is now (in 2022) drawing a salary of Rs.20,000/- only when his salary was Rs.15,000/- during 2019 and that too after changing his job atleast twice. As already observed he did not examine the person who issued the salary certificate to him to prove the contents thereon. In the circumstances, the Criminal Revision



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

deserves to be dismissed.

9. In the result,

- i. the Criminal Revision Petition is dismissed.
consequently connected Criminal Miscellaneous
Petition is closed.
- ii. The orders dated 27.04.2022 passed in
M.C.No.80/2018 on the file of the III Additional
Principal Judge, Family Court, Chennai, is confirmed.

10.08.2023

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



WEB COPY



Crl.R.C. No.1084 of 2022 & Crl.M.P. No.12233 of 2022

R. HEMALATHA, J.
bga

To

The III Additional Principal Judge, Family Court, Chennai.

Crl.R.C.No.1084 of 2022 &
Crl. M.P. No.12233 of 2022

10.08.2023