



Crl.R.C. No.1482 of 2023 & Crl. M.P. No.13108 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

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

Crl.R.C.No. 1482 of 2023 &

Crl.M.P. No.13108 of 2023

K. Arun Kumar

...Petitioner

Vs.

1. S. Sakthipriya

2. A.S.Rigved

...Respondents

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order dated 20.06.2023 in M.C. No.648 of 2019, on the file of Principal Family Court, Chennai.

For Petitioner : Ms. V. Anuradha

For Respondents : Mr.P. Haribabu

ORDER

Challenge in this Criminal Revision is made to the order dated 20.06.2023 in M.C. No.648 of 2019, on the file of Principal Family Court, Chennai.

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2. The present revision petitioner is the respondent in M.C.No.648/2019 on the file of the Principal Family Court, Chennai. The respondents herein filed the said Maintenance Case under Section 125 Cr.P.C. against the revision petitioner seeking monthly maintenance of Rs.30,000/- to the first respondent and Rs.50,000/- to the 2nd respondent.

3. The facts leading to the filing of the present Criminal Revision are as follows:

- i. The marriage between the revision petitioner and the 1st respondent was solemnised on 15.02.2013 at Shri Shanthi Shesha Mahal, Kolathur (Rettary), Chennai-99 and out the said wedlock, a male child was born to them on 12.07.2016.
- ii. The revision petitioner is a qualified Global Engagement Manager possessing B.Tech Degree from NIT Jamshedpur and MBA from IIM, Calcutta, and employed with M/s. HCL Technologies Ltd., Chennai, drawing a monthly salary of Rs.2.5 lakhs. The 1st respondent's parents, taking into consideration the versatile qualifications of the revision petitioner and his earning capacity,



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got their daughter married to him by spending a sum of Rs.25 lakhs for marriage and also gave her 85 sovereigns of gold jewels apart from offering silver/brass utensils worth Rs.3 lakhs and other essential items like cot, bed, bureau, etc.

iii. The 1st respondent is employed with M/s. HCL Technologies Ltd., Chennai, earning a monthly salary of Rs.60,000/-. According to the 1st respondent after the birth of her child (2nd respondent), the revision petitioner neither maintained them nor took them back to the matrimonial home. Since her take home pay is Rs.60,000/- per month, she is unable to maintain herself and her child as she has to pay a sum of Rs.30,000/- towards play school fees and Rs.80,000/- for extra curricular activities of her son. She, therefore, filed a Maintenance Case in M.C.No.648/2019 before the Principal Family Court, Chennai, seeking maintenance as stated above.

iv. The revision petitioner filed a detailed counter denying all the allegations of the respondents. However, he admitted that he would pay maintenance to his son, the 2nd respondent herein.



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- v. After full contest, the learned Principal Judge, Family Court, Chennai, partly allowed the said petition and directed the present petitioner to pay a sum of Rs.40,000/- per month to the 2nd respondent towards maintenance from the date of the petition. Since the 1st respondent is a software engineer earning a sum of Rs.60,000/- per month, no maintenance was granted to her.
- vi. Aggrieved over the said orders, the present Criminal Revision Case is filed by the revision petitioner/husband.

4. Ms. V. Anuradha, learned counsel for the revision petitioner contended that though the revision petitioner is ready to pay the maintenance amount to his son (2nd respondent), he is unable to pay the arrears of maintenance within a period of 3 months as directed by the trial court and that the same would be paid by the petitioner in instalments. Her further contention is that the trial court had not adjudicated the matter properly as, though this Court in Crl.O.P. No.13926/2023 had directed the trial court to not pass any final orders in M.C.No.648/2019 on 20.06.2023, the trial court had passed the final



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order disobeying the orders of this Court and in fact no oral and documentary evidence was adduced on both sides.

5. However, the learned counsel for the revision petitioner admitted that the present revision petitioner is working as a Sales Director in Hexaware Technologies, London. The revision petitioner had also admitted in his counter that he is willing to pay maintenance to his son, namely, the 2nd respondent.

6. It is to be pointed out that it is not the case of the revision petitioner that though he was willing to adduce oral/documentary evidence, the same was not considered by the trial court judge. In fact, in the counter, the revision petitioner had admitted that he is a qualified Global Engagement Manager possessing B.Tech Degree from NIT Jamshedpur and MBA from IIM, Calcutta. Thus the present petitioner is very well qualified and is also presently working in London for Hexaware Technologies. In the circumstances, there is no need for both the parties to adduce oral/documentary evidence to prove their actual



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monthly income. Moreover, the trial court judge had awarded a sum of Rs.40,000/- to the 2nd respondent alone towards his educational expenses and the other incidental charges and by no stretch of imagination, the same can be said to be on the higher side especially considering the financial status of both the parties in the instant case. In fact, the trial court judge had also taken into consideration the fact the 1st respondent is working for HCL Technologies, Chennai, earning a sum of Rs.60,000/- per month and thus denied granting maintenance to her.

7. As far as the orders passed by this Court on 20.06.2023 in Crl.O.P. No.13926/2023 is concerned, it is to be pointed out that on 20.06.2023 itself the trial court judge had passed the final orders in M.C.No.648/2019. Absolutely, there is no record to show that the trial court judge was brought to the knowledge of the orders passed by this court on 20.06.2023, by way of filing an affidavit.



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8. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court. Accordingly, the Criminal Revision Case is dismissed.

9. In the result,

- i. the Criminal Revision is dismissed. Consequently connected miscellaneous petition is closed.
- ii. The order dated 20.06.2023 in M.C. No.648 of 2019, on the file of Principal Family Court, Chennai. is confirmed.

28.08.2023

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

To

The Principal Judge, Family Court, Chennai

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