



Crl.R.C.No.1628 of 2022
and Crl.M.P.No.19452 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

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

Crl.R.C.No.1628 of 2022
and Crl.M.P.No.19452 of 2022

Suresh

... Petitioner

Vs.

Anitha

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 and 401 of Criminal Procedure Code to set aside the orders dated 15.07.2022 made in M.C.No.324/2021 on the file of VI Additional Principal Family Court, Chennai.

For Petitioner : No appearance

ORDER

When the criminal revision came up for hearing on 20.09.2023, there was no representation for the revision petitioner and hence it was directed to be posted under the caption 'for dismissal' on 25.09.2023. Even today, i.e., 25.09.2023 there is no representation for the revision petitioner.

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2. Challenge in this revision is made to the orders dated 15.07.2022 made in M.C.No.324/2021 on the file of VI Additional Principal Family Court, Chennai.

3. The respondent/wife filed M.C.No.324/2021 under Section 125 Cr.P.C. praying to direct the revision petitioner/husband to pay a sum of Rs.20,000/- per month towards her maintenance.

4.The facts leading to the filing of the present criminal revision are as follows :

The marriage between the revision petitioner and the respondent was solemnized on 11.09.2016 as per Hindu Rites and Customs at Chennai Corporation Community Hall, Harrington Road, Chennai. The revision petitioner is employed in the Corporation of Chennai, Zone-VI earning a sum of Rs.30,000/- per month. He is also running a business of supplying water can to various houses. The respondent is unable to maintain herself and she is not also educationally



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qualified. The revision petitioner filed a detailed counter and the learned VI Additional Principal Family Judge, Chennai, vide his orders dated 15.07.2022 had observed thus :

"11.It is pertinent to note that the parties herein have admitted their marital relationship and their separation. Further, the respondent himself admitted in his affidavit of assets and liabilities that the petitioner is not an earning person and also her qualification is 6th standard. It is further case of the petitioner that she is not having any assets and also liabilities. In such circumstances, it is hopeless to contend that she is capable of maintaining herself. No material is available to show that the petitioner has some source of income. Such circumstances, it can not be presumed that the petitioner is in a position to get sufficient income regularly to maintain herself.

12.Herein this case, admittedly, the respondent is working as a Sanitary worker in Chennai Corporation and getting a gross salary of Rs.28,537/-. It is further case of the respondent that he is repaying the loan of Rs.5,60,000/- taken for discharging his previous liabilities. However, the respondent has not produced any document to show his actual income and liability. Even the Form 16 for the relevant period of his current employment, Bank Account Statement, Income Tax Returns for



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the period of one year prior to the marriage and one year prior to the separation and at the time when the application for maintenance is filed etc. are not filed as guided by the Hon'ble Supremet Court in Rajnesh vs. Neha, Crl.Appeal No.730 of 2020 dated 04.11.2020. In such circumstances, adverse inference can be drawn against the respondent.

*13. As per the provisions of Section 125 of Cr.P.C. since the right to claim maintenance by the wife and children, who are not capable to maintain themselves, is a statutory right which has been conferred by way of public policy. The Hon'ble Supreme Court of India in **Captain Ramesh Chander Kaushal v. Veena Kaushal**, (1978 4 SCC 70, held that the Section 125 of Cr.P.C. is a measure of social justice and is specially enacted to protect women and children.*

14.Considering the above facts and circumstances and price-hike of the commodities and essentials required to lead a decent life to the economic cum social status of the respondent, this Court is of the view that if the respondent is directed to pay a sum of Rs.9,000/- per month to the petitioner/wife towards her maintenance from the date of filing of the petition, it would suffice the purpose and ends of justice would be met."



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5. The learned Trial Court Judge by a well considered order had directed the present revision petitioner to pay a sum of Rs.9,000/- per month to the respondent/wife from the the date of filing of the petition. Considering the social status of the couple, I do not see any infirmity in the orders passed by the Trial Court Judge.

6. Accordingly, the Criminal Revision is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

25.09.2023

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



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R. HEMALATHA, J.
mtl

To

1.The VI Additional Principal Family Court, Chennai.

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