



Crl.R.C.(MD).No.358 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.358 of 2022

and

Crl.MP(MD).No.4585 of 2022

Anandha Sekar

... Petitioner

Vs.

1.Sri Bhuvaneshwari

2.The Inspector of Police,
Central Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 24.03.2020 in M.C.No.43 of 2019 passed by the learned Family Court, Dindigul.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.S.Balaji for R1

: Mr.T.Senthil Kumar

: Additional Public Prosecutor for R2



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ORDER

This Criminal Revision Case has been filed against the order, dated 24.03.2020, in M.C.No.43 of 2019, passed by the learned Judge, Family Court, Dindigul.

2. The respondent herein has filed M.C.No.43 of 2019 before the Family Court, Dindigul. Even though, summons served, the petitioner herein did not appear before the trial Court. Hence, the trial Court passed an ex-parte maintenance order, directing the petitioner to pay a sum of Rs. 10,000/- (Rupees Ten Thousand Rupees only) per month as monthly maintenance from the date of the order. Subsequently, the petitioner filed a petition to set aside the said ex-parte order and the same was allowed by the trial Court with a condition that the respondent herein shall give a maintenance to the petitioner for a sum of Rs.10,000/- per month from the date of the order of the maintenance case, the said condition was not complied with by the petitioner. In the said circumstances, the learned counsel for the respondent submitted that the conduct of the petitioner is also to be considered while setting aside the exparte order.



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3. The facts of the case is that according to the petitioner, the respondent herein voluntarily left the matrimonial home in the year of 2011 itself. After 8 years, she filed the maintenance. According to the petitioner, under Section 125(4) of Cr.P.C., the wife is not entitled to get maintenance, that issue is to be adjudicated before this Court, by giving adequate opportunity to the petitioner. Hence, this Court is inclined to set aside the exparte order passed by the Court below with the following directions:

(i) The amount deposited by the petitioner as per the interim order of this Court Rs.50,000/- is treated as form part of the maintenance of arrears amount.

(ii) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent as maintenance, till the disposal of the Maintenance Case.

(iii) Since the Maintenance case is of the year 2019, the learned trial Judge is directed to dispose of the same, within a period of two months



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from the date of receipt of a copy of this order.

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(iv) The learned counsel on either side is directed to appear before the Court below and co-operate with the trial proceedings for speedy disposal.

4. With the above directions, this Criminal Revision Case stands allowed. Consequently, connected criminal miscellaneous petition is closed.

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NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbm

To

The Family Court,
Dindigul.



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K.K.RAMAKRISHNAN, J.

sbn

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