



*Crl.R.C.(MD).No.845 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Crl.RC(MD)No.845 of 2022  
and  
Crl.MP(MD)No.10592 of 2022

M.Hariharan

... Petitioner/Respondent

Vs.

1.Jamuna

2.Sudharson (Minor)

... Respondents/Petitioners

(Minor second respondent is represented by his mother first respondent)

**PRAYER:** Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for records relating to the order passed in C.C.No.24 of 2019 dated 22.11.2021 on the file of the Family Court, Dindigul, and to set aside the same and allow this Criminal Revision Petition.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.C.Jeya Indira Patel

**ORDER**

This petition has been filed to set aside the order passed by the the learned Judge, Family Court, Dindigul, in C.C.No.24 of 2019 dated 22.11.2021.



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2.The revision petitioner is the husband of the first respondent. The marriage was solemnized between them on 30.01.2012. Due to the wed-lock, a male child was born. Thereafter, due to some dispute, the first respondent along with the child leaving the matrimonial home and living separately. Hence, the respondent filed M.C.No.24 of 2019 seeking maintenance of Rs.20,000/- on the ground that on 05.03.2015, she gave a complaint before the All Women Police Station, Dindigul. During the course of enquiry, the petitioner appeared before the Station and undertakes to take the respondents. But, he has not complied with the same. Therefore, they are living separately. The petitioner filed counter stating that he did not earn Rs.30,000/- as alleged by the respondents. The learned trial Judge, after completing the evidence of P.W.1, R.W.1 and Ex.A1, granted maintenance of Rs.10,000/- totally (Rs. 3,000/- to the first respondent and Rs.7,000/- to the second respondent). Challenging the same, the petitioner filed this Revision.



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3.The learned counsel for the petitioner would submit that the petitioner initiated the petition in HMOP.No.64 of 2015 on the file of the learned Family Court, Dindigul. In the said proceedings, the Family Court, Dindigul, passed the following order:-

*“The Petitioner and the Respondent are appeared today on 05.09.2018. They reported that they are living together. The petitioner has made an endorsement as not pressed this petition, in the open Court in my presence. Hence, this petition is dismissed as not pressed. No cost.”*

4.Thereafter, according to the petitioner, the first respondent has not ready to live with the petitioner as alleged above in the said order and filed the Maintenance Case.

5.Per contra, the learned counsel for the respondents would submit that the said plea was never taken before the trial Court. Further, after the order of the Family Court, dated 05.09.2018,



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the petitioner has not supported the respondents. Hence, they are living separately.

6.This Court perused the records and the submission of the learned counsel for both the parties.

7.1. It is seen that the petitioner married the first respondent on 30.01.2012. Out of their wed-lock, the second respondent was born on 09.01.2014. Thereafter, the petitioner demanded additional dowry and deserted the first respondent and the second respondent. On 05.03.2015, the first respondent made a complaint before the jurisdiction police. On receipt of complaint, the petitioner appeared before the jurisdiction police and undertakes to live with the first respondent. Thereafter, he refused to take them and also filed HMOP.No.54 of 2015 on the file of Family Court, Dindigul for divorce. During the pendency, they lived together and hence, the said petition was dismissed as not pressed. After that, the petitioner once again alleged to have



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deserted the respondents and hence, they are living separately.

Therefore, the respondent filed the maintenance petition claiming maintenance of Rs.20,000/- per month.

7.2. The learned trial Judge considering the admission of the first respondent that she is doing coolie work and earning a sum Rs.3,000/- per month and also considering the fact that the petitioner is earning more than Rs.30,000/- per month by doing weaving work and he is having a own house and immovable properties and also relied the Hon'ble Supreme Court judgment in **Rajinesh Vs, Neha and Another** reported in **2021 (2) SCC 324**, granted maintenance of Rs.3,000/- to the first respondent and Rs.7,000/- to the second respondent in total Rs. 10,000/-. The said amount is neither excessive nor exorbitant and the same is very low considering the present day cost of living. Therefore, this Court does not find any perversity in the appreciation of facts and law in the lower Court judgment and the learned trial Judge correctly awarded the maintenance amount of



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Rs.10,000/- in total. Further, it is well settled principle that the Revision Court has no power to interfere in the maintenance order on the ground of relationship and quantum of maintenance without any perversity in the impugned order.

8.Accordingly, this Criminal Revision Case is dismissed.  
Consequently, the connected miscellaneous petition is closed.

**20.07.2023**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
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To

- 1.The Family Court,  
Dindigul.
- 2.The Section Officer,  
Criminal Records,  
Madurai Bench of Madras High Court, Madurai.

**K.K.RAMAKRISHNAN,J.**

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