



Crl.R.C(MD)No.769 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.769 of 2016

Perumal

...Petitioner

Vs.

1.Pushba Bai

2.Minor Sivaperuman

3.Minor Shibu Peruman

...Respondents

(Minor 2 & 3 respondents represented by guardian and mother of the 1st respondent herein)

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records relating to the impugned order, dated 04.09.2015 made in M.C.No.22 of 2012 on the file of the Judicial Magistrate No.1, Kuzhithurai and set aside the same.

For Petitioner : Mr.C.Mayilvagana Rajendran

For Respondents : Mr.C.Muthu Saravanan

ORDER

The Petition has been filed to set aside the impugned order, dated 04.09.2015 made in M.C.No.22 of 2012 on the file of the Judicial Magistrate No.1, Kuzhithurai.



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2. The respondents herein have filed a petition for maintenance under Section 125 of Cr.P.C., as against the petitioner herein. The case of the respondents is that the first respondent is a legal wedded wife of the petitioner and they gave birth to the respondents 2 and 3 herein. Thereafter, the petitioner failed to maintain them and as such she filed a petition for maintenance of Rs.10,000/- each. The case was resisted by the petitioner for filing counter and stated that the first respondent is not a legal wedded wife and respondents 2 and 3 were not born to him. In order to prove their case, the respondents examined PW1 and PW2 and marked four documents as Ex.P1 to Ex.P4. On the side of the petitioner, he examined himself as DW1.

3. On perusal of oral and documentary evidence, the trial Court found that the first respondent is the legal wedded wife of the petitioner and the respondents 2 and 3 were born to them. Further Exs.P1 and P2 revealed that birth certificate of the respondents 2 and 3 herein, in which, the petitioner's name mentioned as father. The respondents were also marked Ex.P3 – Photograph of their Family.



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4. Considering the above evidence, the trial Court ordered maintenance of Rs.3,000/- to the first respondent and Rs.2,000/- each to the second and third respondents herein. Both the counsel represented that no instruction from their respective parties. Therefore, this Court does not find any infirmity or illegality in the order passed by the learned Magistrate and it does not require any interference by this Court and this criminal revision petition is liable to be dismissed.

5. Accordingly, this Criminal Revision Petition stands dismissed.

06.03.2023

NCC : Yes/No
Index : Yes / No

vsd

To

The Judicial Magistrate No.1,
Kuzhithurai.



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G.K.ILANTHIRAIYAN, J.

vsd

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