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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10/02/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

CrI.RC(MD)No.997 of 2022
and
CrI.MP(MD)No.12393 of 2022

Saranraj : Petitioner/Respondent

Vs.

Pravena : Respondent/Petitioner

Prayer: Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order, dated 20/08/2022 made in MC No.31 of 2022 on the file of the Family Court, Ramanathapuram and set aside the same and to pass such other orders.

For Petitioner : Mr.D.Packiaraj

For Respondent : Mr.C.Senthil Murugan

O R D E R

This criminal revision has been filed seeking an order to set aside the order, dated 20/08/2022 passed in MC No.31 of 2022 by the Family Court, Ramanathapuram.

**2. The facts in brief:-**

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It is a matrimonial issue between the husband and wife. The wife filed petition under section 125 of the Criminal Procedure Code, before the Family Court, Ramanathapuram, making the following allegations:-

The marriage between the parties was performed, on 14/06/2021 at Tamaraikulam Arilmighu Sri Bathrakaliamman Kovil in the presence of the elders and family members. At the time of marriage, sufficient sridhana, household articles, etc., have been given. They lived together for one week in the house as joint family with the parents of the husband. The sister-in-law was a widow and she also living along with others in the joint family. Right from the marriage, continuous torture and harassment was made by the mother of husband. The wife wanted to pursue her higher studies, but that was not permitted. Later, they shifted their residence to Duraipakkam, Chennai. But the husband continued to avoid the conjugal relationship. When that was enquired, she was abused and ill-treated. She also took steps to undergo the medical treatment. But the husband continuously avoided. In the meantime, the



husband also sold the jewels belongs to her and that was objected. When demand was made, she was also ill-treated. She was sent to her parental home stating that he will come and take her to matrimonial home. Believing the words, she went to her parental home. But as promised, no steps were taken to take back her to the matrimonial home by the husband. in spite of repeated compromise talks undertaken, the husband was not willing and he has also working in a private company as Facility Executive'' and getting a salary of more than Rs.60,000/- per month. Apart from that, he is also getting income from the landed property. Seeking maintenance amount of Rs. 13,000/-, the wife filed the above said petition.

3.That was resisted by the husband stating that right from the marriage, only the wife avoided him and when enquired, she used to pick up quarrel and also used to visit the parental home frequently and returning back and so, only the wife avoided the matrimonial life. Later, she was taken to Chennai, where he was working as 'Electrician'. The mother-in-law also driven out of the house by the wife. They lived together only for 10 days in Chennai. Later, the wife picked up quarrel and went to



her parental home. The wife was compelled on her part to go to her parental home and lived there. Only the wife refused to come to the parental home.

4.At the conclusion of the enquiry, the trial court found that there are sufficient reasons for the wife to life separately, accordingly, ordered Rs.7,000/- as maintenance to the wife from the date of filing the maintenance petition.

5.Challenging the above said order, this revision has been preferred.

6.Heard both sides.

7.The marriage between the parties is not disputed. Usual allegations and counter allegations are made against each other. The wife says that only the husband was avoiding the conjugal relationship and also peaceful marital life.

8.It is the counter allegation made by the husband to the effect that only the wife was picking up quarrel,



even for petty issue, left the matrimonial home on her own accord.

9.What went wrong between them could not be ascertained. From the facts that have been narrated by them before the trial court, it is seen that no steps have been taken by the husband for taking the wife to the matrimonial home.

10.Even during the pendency of this revision, the matter was referred to the Mediation and Conciliation centre attached to this Bench, for amicable settlement, but no settlement could be arrived due to unknown reasons. Now the separation is admitted and both of them living separately.

11.Reading of the order of the trial court shows that out of 23-1/2 sovereigns of gold jewels, 5 sovereigns were pledged by the husband and what happened to the above said 5 sovereigns is not explained by him. He has also admitted that he was working in a private company as 'Facility Executive' in Chennai. But later, he would say that now he is working as 'Electrician' in



14. In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

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To,

The Family Court,
Ramanathapuram.



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G. ILANGO VAN, J

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Cr1.RC(MD) No. 997 of 2022

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