



Crl.R.C(MD)No.868 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.868 of 2019
and
Crl.M.P(MD)No.10284 of 2019**

Kavin Arasu

... Petitioner/Respondent

Vs.

T.Rajalakshmi

... Respondent/Petitioner

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the order dated 09.08.2019 passed in M.C.No.5 of 2019 on the file of the learned Family Judge, Kanyakumari at Nagercoil and set aside the same.

For Petitioner

: Mr.M.P.Senthil

For Respondent

: M/s.V.Sebastinal Preethi



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ORDER

The revision has been filed as against the order of maintenance passed in M.C.No.5 of 2019, dated 09.08.2019, on the file of the learned Family Judge, Kanyakumari at Nagercoil, thereby ordered maintenance of Rs.10,000/- per month in favour of the respondent.

2.The petitioner is the husband and he got married to the respondent on 25.05.2012. At the time of their marriage, the family of the respondent had presented 100 sovereigns of jewels, Rs.5,00,000/- cash and two-wheeler as sreedhana to the petitioner. That apart, household articles were presented to the tune of Rs. 1,00,000/-. The petitioner used to come to the house under the influence of alcohol and sexually harassed the respondent to the core. He also used to beat her and as such, she could not able to live with the petitioner. Thereafter, she was also driven out from the matrimonial home. She is residing with her parents. Therefore, she could not able to maintain herself and filed a petition for maintenance under Section 125 of Cr.P.C as against the petitioner.



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3. On the side of the respondent, she herself was examined as P.W.1 and marked Ex.P.1 to Ex.P.6 and on the side of the petitioner, he had examined R.W.1 and R.W.2 and marked Ex.R.1 and Ex.R.2.

4.Considering the oral and documentary evidences, the trial Court ordered maintenance of Rs.10,000/- per month in favour of the respondent by the petitioner with costs of Rs.5,000/-. Aggrieved by the same, the petitioner preferred this Criminal Revision Case.

5.On perusal of the records revealed that the petitioner is running BPO business in the name and style of K2 Solutions at Ramanathapuram, Nagercoil and earning more than a sum of Rs. 50,000/- per month. He also owned a house and rented it out to a third person and received monthly rent not less than Rs.10,000/-.



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6.Considering the above facts and circumstances, the trial Court ordered maintenance of Rs.10,000/- per month in favour of the respondent herein. In fact, while pending this revision, the matter has been referred before the Mediation and Conciliation Centre attached to this Bench for an amicable settlement between the parties. However, there was no settlement arrived at between them and referred back to this Court. Further, the petitioner was directed to deposit a sum of Rs.1,00,000/- while granting an order of interim stay. It was also duly complied with by the petitioner. Admittedly, the respondent was also working in the College as Assistant Professor and only due to harassment of the petitioner, she discontinued her service.

7.In view of the above, this Court is inclined to reduce the monthly maintenance from Rs.10,000/- to Rs.7,500/- as monthly maintenance payable by the petitioner herein to the respondent.



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8. Accordingly, this Criminal Revision Case is partly allowed and modify the award from Rs.10,000/- to Rs.7,500/- per month payable by the petitioner to the respondent. Consequently, connected Miscellaneous Petition is closed.

23.06.2023

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

1. The Family Court,
Kanyakumari at Nagercoil.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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