



Crl.R.C.No.83 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.83 of 2024

and

Crl.M.P.No.686 of 2024

M.Prashanth

... Petitioner

Vs.

Minor P.B.Kanishanth,
Represented by next friend and grandfather,
Murugan

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to call for the records in Crl.M.P.No.5667 of 2023 in M.C.No.15 of 2023 on the file of the Judicial Magistrate, Cheyyar set aside the order dated 26.12.2023.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.A.Tamilarasan



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ORDER

This Criminal Revision Case is filed against the order of the Judicial Magistrate, Cheyyar dated 26.12.2023 passed in Crl.M.P.No.5667 of 2023 in M.C.No.15 of 2023.

2. The case of the petitioner is that, the marriage between the petitioner/father and his deceased wife M.Bhavani was solemnized on 04.04.2004 and out of their wedlock, they were blessed with the minor respondent/son on 27.08.2008. Since the petitioner's wife was suffering from various health complication, the best treatment was given to her and inspite of the same, she could not be saved and she died on 19.06.2019. After the death of the petitioner's wife, the minor respondent was under the care and custody of his grandfather Murugan. Thereafter, the minor respondent has filed a maintenance case u/s 125 Cr.P.C. in M.C.No.15 of 2023 claiming monthly maintenance of Rs.30,000/- before the learned Judicial Magistrate, Cheyyar. During the pendency, the minor respondent has filed a petition in Crl.M.P.No.5667 of 2023 before the trial court claiming interim maintenance of Rs.20,000/- p.m. After adjudication, the



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trial court ,vide impugned order, dated 26.12.2023, had allowed the petition, directing the petitioner to pay a sum of Rs.10,000/- p.m. as interim maintenance to the minor respondent. Challenging the same, the petitioner/father has filed the present revision before this court.

3. Learned counsel appearing for the petitioner, on instructions, submitted that, the petitioner is ready to pay the interim maintenance of Rs.10,000/- p.m. to the minor respondent, till he attains majority and thereafter, if the respondent is not capable of maintaining himself, the petitioner is ready to pay maintenance on his request. Further, he submitted that the petitioner is ready to pay the entire educational expenditure of the respondent, whenever it is claimed by the respondent through phone call or whatsapp. Therefore, he requested that the minor respondent's grandfather may be directed to furnish the bank account details of himself or the minor respondent, enabling the petitioner to transfer the amount to the respondent.

4. Learned counsel appearing for the respondent has no objection for the said order being passed.



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5. In view of the fair submissions made by the parties, without going into the merits of the case, this Court is inclined to pass the following orders :-

(i) the petitioner is directed to pay the entire arrears of interim maintenance at the rate of Rs.10,000/- p.m. to the respondent, less the amount, if any, already paid by him, within a period of four (4) weeks from the date of receipt of a copy of this order;

(ii) the petitioner is directed to continue to pay the interim maintenance amount as ordered by the trial court to the respondent on or before the 5th day of every English Calendar month, till the disposal of M.C.No.15 of 2023;

(iii) the petitioner is directed to pay the educational expenditure to the respondent, within a period of two weeks from the date of claim made by the minor respondent to the petitioner;

(iv) the grandfather of the minor respondent viz., Murugan is directed to furnish the bank account details of himself or the minor respondent to the petitioner, enabling the petitioner to pay the maintenance amount and educational expenditure to the minor respondent;



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(v) the trial court is directed to dispose of the maintenance case in M.C.No.15 of 2023, within a period of five (5) months from the date of receipt of a copy of this order;

(vi) if the petitioner fails to pay the interim maintenance or the educational expenditure to the minor respondent, he is at liberty to workout his remedy as against the petitioner in the manner known to law.

6. With the above directions, the Criminal Revision Case is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

01.07.2024

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Judicial Magistrate, Cheyyar.



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M.DHANDAPANI, J.

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