



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.801 of 2024  
and Crl.MP.No.7354 of 2024

K.Harikrishnan

... Petitioner

-Vs-

R.Selvi

... Respondent

**Prayer:** Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order passed in M.C.No.6 of 2022 by the Judicial Magistrate, Utthukottai, Thiruvallur District, dated 21.09.2023.

For petitioner : Mr.K.Balaji

For Respondent : Mr.D.Magesh

**ORDER**

The Criminal Revision Case is filed against the order passed in M.C.No.6 of 2022 dated 21.09.2023 by the learned Judicial Magistrate, Utthukottai, Thiruvallur District.



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2. The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the respondent was solemnized on 22.06.2008 and right from the date of marriage, there were disputes between the petitioner and the respondent and they lived together only till 2012. The petitioner has filed a petition in H.M.O.P.No.162 of 2019 seeking divorce before the Family Court, Thiruvallur, on the ground of cruelty and the Family Court, after full-fledged trial, has allowed the petition granting decree of divorce vide judgment dated 31.10.2022. After receipt of the notice in the divorce petition, the respondent filed a petition claiming maintenance in M.C.No.6 of 2022 before the District Munsif cum Judicial Magistrate, Uthukottai, wherein, the petitioner filed a detailed counter narrating the facts that he has no means to maintain himself and that without any sufficient reason, the respondent refuses to live with the petitioner. However, the trial Court has awarded a sum of Rs.7,000/- as monthly maintenance to the respondent to be paid by the petitioner from the date of filing the petition (i.e.,) 17.08.2022. Aggrieved over the same, the present revision has been filed.



3. The learned counsel appearing for the respondent submits that the petitioner is a pawn broker and having seven acres of properties and is not taking care of the respondent. She has no means to maintain herself and therefore, she has filed a petition in M.C.No.6 of 2022 seeking monthly maintenance of Rs.30,000/- before the learned Judicial Magistrate, Uthukottai, Thiruvallur District, however, the trial Court has awarded a meager amount of Rs.7,000/- as monthly maintenance. Further, against the judgment dated 31.10.2022 passed in H.M.O.P.No.162 of 2019 by the Family Court, Thiruvallur granting divorce, the respondent has filed C.M.A.No.327 of 2023 before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. It is seen from the records that due to matrimonial dispute, the petitioner and the respondent are living separately and the petitioner has filed a petition for divorce in H.M.O.P.No.162 of 2019 before the Family Court, Thiruvallur and vide judgment and decree dated 31.10.2022, divorce was granted. Consequently, the respondent has filed a maintenance petition in



M.C.No.6 of 2022 before the Judicial Magistrate, Uthukottai and the trial Court has awarded the monthly maintenance of Rs.7,000/- to be paid by the petitioner from the date of filing the petition (i.e.,) 17.08.2022. Though the learned counsel appearing for the petitioner has raised a plea that since the respondent refuses to live with the petitioner without any sufficient reason, she is not entitled for monthly maintenance, such plea cannot be accepted by this Court, since it is proved before the lower Court and the duty of the husband to maintain his wife and except that ground, no other sufficient ground is raised by the petitioner for setting aside the order passed by the Court below. Hence, this Court is not inclined to interfere with the order dated 21.09.2023 passed in M.C.No.6 of 2022 by the learned Judicial Magistrate, Utthukottai, Thiruvallur District.

5. Accordingly, this Criminal Revision Case is dismissed. Connected miscellaneous petition is closed.

**03.06.2024**

Index : Yes/No  
Internet: Yes/No  
Speaking Order : Yes/No  
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To

The learned Judicial Magistrate, Utthukottai, Thiruvallur District.



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6

**M.DHANDAPANI,J.**

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Crl.RC.No.801 of 2024

03.06.2024