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Crl.R.C.No.227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.227 of 2024 and
Crl.M.P.No.1957 of 2024**

V.K.Elangovan

... Petitioner

Vs.

B.G.Anjali

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 04.11.2023 in C.M.P.No.234 of 2023 in M.C.No.495 of 2022 on the file of the II Additional Family Court, Chennai.

For Petitioner : Mr.R.Sathiyaraj

For Respondent : Mr.S.Arokia Mani Raj

ORDER

The present criminal revision petition has been filed to set aside the order dated 04.11.2023, passed by the learned II Additional Principal Judge, Chennai, in C.M.P.No.234 of 2023 in M.C.No.495 of 2022.



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2. The revision petitioner is the husband and the respondent is the wife. The marriage between the petitioner / husband and the respondent / wife was solemnized on 02.06.2010 and out of the wedlock, two children were born. The respondent / wife without any intimation on 11.03.2020, had left the matrimonial home along with two children. The petitioner lodged a complaint and the same was registered as FIR.No.94 of 2020. However, the Police has not taken necessary steps to find out them, the petitioner had filed H.C.P.No.652 of 2020 before this Court. Thereafter, the respondent again escaped with one Sarath and illegally married him, even the first marriage along with the petitioner was subsisting. Now, the children were along with the petitioner. In the meantime, the respondent / wife filed a maintenance petition in M.C.No.495 of 2022 on the file of the learned II Additional Family Court, Chennai. Pending petition, the respondent filed interim maintenance petition in Crl.M.P.No.234 of 2023 in M.C.No.495 of 2022 seeking interim maintenance of Rs.30,000/- till the disposal of the main case. The learned Judge, after hearing both sides, allowed the petition in part by directing the petitioner / husband to pay a sum of Rs.3,000/- per



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month to the respondent / wife and a further sum of Rs.4,000/- per month each to the children on or before 5th of every English calendar month and the petitioner was directed to pay arrears of maintenance to the respondent within a period of two months. Challenging the said order, the petitioner / husband filed the present revision petition.

3. Further it has to be pointed out that the two children are with the petitioner, for which, the respondent has filed G.W.O.P.No.136 of 2023 on the file of the VII Additional Family Court, Chennai seeking custody of two children and the same is pending.

4. This Court at the time of admission of the criminal revision on 17.04.2024 has granted interim stay on condition that the petitioner / husband shall deposit the entire arrears amount at the rate of Rs.3,000/- per month (interim maintenance awarded to the respondent) to the credit of M.C.No.495 of 2022 on the file of the II Additional Family Court, Chennai within a period of two weeks from the date of receipt of a copy of that order



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and shall continue to pay a sum of Rs.3,000/- per month to the respondent on or before 7th of every succeeding English Calender month, till the disposal of the revision.

5. The learned counsel for the petitioner / husand on instructions would submit that as per the directions of this Court, the petitioner deposited entire arrears amount at the rate of Rs.3,000/- and the copy of the same has been produced before this Court. Now the petitioner / husband is ready to pay a sum of Rs.3,000/- as interim maintenance to the respondent / wife as ordered by the Court below till the disposal of the main case. The children are not entitled for any maintenance, since they are under the care of the petitioner. Hence, this Court, may direct the learned II Additional Principal Judge, Chennai, to dispose of the M.C.495 of 2022 within a stipulated time as fixed by this Court.

6. The learned counsel for the respondent is also agreeable to receive the maintenance amount as was suggested by the learned counsel for the petitioner.



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7. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

8. Considering the fact that the respondent / wife is unemployed and that the children are not entitled for maintenance, since they are under the care of the petitioner / husband and that the petitioner is also ready to pay a sum of Rs.3,000/- per month for the respondent / wife as interim maintenance till the disposal of M.C.No.495 of 2022, this Court is inclined to modify the order dated 04.11.2023 made in M.P.No.234 of 2023 in M.C.No.495 of 2022 with the following directions:

(i) The petitioner / husband is directed to pay a sum of Rs.3,000/- per month to the respondent / wife as interim maintenance as ordered by the Court below, regularly on or before 5th of every English calender month till the disposal of M.C.No.495 of 2022



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(iii) The learned II Additional Principal Judge, Chennai, shall conclude the adjudication after hearing the parties in M.C.No.495 of 2022 within a period of three months from the date of receipt of a copy of this order.

9. The Criminal Revision Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

30.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The learned II Additional Principal Judge,
Chennai.



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M.DHANDAPANI, J.

vji

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