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Crl.R.C.No.393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.393 of 2024

and WMP.No.3625 of 2024

C.Kuppusamy

... Petitioner

Vs.

K.Bhuvaneswari

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, To set aside the docket order passed by the learned II Additional Family Court Judge, Chennai in Crl.MP.No.1017 of 2023 in MC.No.105 of 2014 dated 18.01.2024 against the petitioner/respondent herein.

For Petitioner : Mr.C.D.Johnson

ORDER

The Criminal Revision is filed against the docket order passed by the learned II Additional Family Court Judge, Chennai in Crl.MP.No.1017 of 2023 in MC.No.105 of 2014 dated 18.01.2024



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against the petitioner/respondent herein.

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2. The case of the petitioner is as follows:

The Petitioner and the respondent are husband and wife. The marriage of the petitioner and the respondent was solemnized in the year 1981. Due to the family dispute and misunderstanding, the petitioner filed a divorce petition and the same is pending. In the meanwhile, the respondent filed a maintenance case claiming maintenance at Rs.15,000/- After hearing the arguments and on a perusal of the materials, the learned Judge passed an interim maintenance for a sum of Rs.10,000/- per month to the respondent. Challenging the said order, the petitioner has filed a petition. As against the said interim order of learned Judge, Family Court, the petitioner has filed the present Revision Case before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is working as an Engineer, Public Works Department. On the earlier occasion, the respondent has set up a girl and



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filed a POCSO case as against the petitioner and the same is pending before the Mahila Court. Prior to that, based on criminal complaint lodged by the respondent, the petitioner was placed under suspension and therefore, the petitioner was not paid any salary, except subsistence allowance, which is very meagre. Without considering the entire fact, the learned Judge has passed maintenance to the respondent, which is larger sum and the same is not sustainable. The petitioner has already deposited a sum of Rs.1 lakh to the respondent as maintenance. Without prejudice to his right, the petitioner is ready to pay another sum of Rs.1,00,000/-. Upon payment of such receipt, this Court may direct the learned Judge to dispose the main maintenance case within the reasonable time as fixed by this Court.

4. The learned counsel for the respondent submitted that the petitioner is not responsible for the POCSO case filed against the petitioner. Because of his attitude, he is facing the trial.

5. Heard the learned counsel for the petitioner and the



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respondent and perused the materials available on record.

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6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court is inclined to pass the following orders:

1. The petitioner is directed to deposit a sum of Rs.1,00,000/- before the trial Court in credit of the case within a period of two weeks from the date of receipt of a copy of this order;

2. After perusal of the receipt of payment, the learned Judge shall dispose of the M.C.No.105 of 2014 on merits within a period of three months from the date of receipt of a copy of this order;and

3. The interim maintenance passed by the Family Court in MC.No.105 of 2014 dated 18.01.2024 is set aside."

7. With the above modification, this criminal revision case is allowed. Consequently, connected miscellaneous petition is closed.



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Index: Yes/No

Speaking/Non-Speaking order

To

The II Additional Family Court Judge, Chennai



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M.DHANDAPANI, J.

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