



Crl.R.C.No.106 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Crl.R.C.No.106 of 2024

and

Crl.M.P.No.878 of 2024

V.Srinivasan

... Petitioner

Vs.

1.K.Veeraraghavan

2.V.Mangaiyarkarasi

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 11.10.2022 passed in M.P.No.389 of 2022 in M.C.No.315 of 2018 on the file of I Additional Family Court, Chennai.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.John Christopher

ORDER

This revision has been filed challenging the order passed by the learned I Additional Family Judge, Chennai in M.P.No.389 of 2022 in M.C.No.315 of 2018 dated 11.10.2022.



CrI.R.C.No.106 of 2024

WEB COPY

2.The petitioner, who is the respondent in M.P.No.389 of 2022 and second respondent in M.C.No.315 of 2018, aggrieved against the order passed by the I Additional Principal Judge, Family Court, Chennai dated 11.10.2022 has filed this revision. The respondents herein are the parents of the petitioner, who filed a petition under Section 125(3) Cr.P.C. in M.P.No.389 of 2022 seeking to direct the petitioner to pay the arrears of maintenance from 20.07.2018, which comes around Rs.2,15,000/- and for payment of future maintenance. The trial Court found that the petitioner herein has got liquid cash in his possession, employed in a private company, further by availing housing loan he has constructed two houses in the same area and paying EMI of Rs.41,000/- per month for housing loan and was also in affluent position. Hence, as per the orders in M.C.No.315 of 2018 dated 07.11.2020 directed the petitioner to pay the arrears of monthly maintenance for a sum of Rs.2,15,000/- for the period from 20.07.2018 to 20.02.2022 to the respondents, against which, the present revision has been filed.



WEB COPY

3.The contention of the petitioner is that the petitioner does not deny the relationship of the respondents being his father and mother. The objection of the petitioner is that his father/first respondent from the year 2017 is hostile towards the petitioner and he wanted to sell the house, in which, the petitioner is residing in the ground floor. The respondents' intention is to sell the house and to give all sale proceeds to his daughter and not to the petitioner. The first respondent/father of the petitioner was working as Foreman in Kala Industries, Ambattur Industrial Estate and retired from service and even after his retirement, he was working in a private company and he has got his own source of income to maintain himself and his wife/second respondent.

3.1. He further submitted that the petitioner purchased two house properties through bank loan and he is paying Rs.51,500/- every month as EMI. Added to it, the petitioner also filed Income Tax Returns and he has to repay the housing loan as well as jewellery loan availed from the banks and financial institutions. The petitioner had pledged his jewels with Co-operative Society, Thenmalpakkam Town branch and Maraimalai Nagar branch. Further, availed jewel loan from City Union Bank Limited,



Maraimalainagar, housing loan from Can Fin Homes Limited. The petitioner also availed loan from LIC, Tambaram Branch. Apart from it, the petitioner had taken loan from Union Bank of India, Maraimalai Nagar branch and Educational loan for his son from State Bank of India. The petitioner is overburdened and having lot of commitments and the petitioner has got no sufficient source of income but the trial Court failed to consider the same.

4.The learned counsel for respondents submitted that the order of the trial Court in M.P.No.389 of 2022 in M.C.No.315 of 2018 is a detailed one. Further referring to the evidence of the petitioner in M.C.No.315 of 2018, in which the petitioner admits that he is occupying one portion of the house and in yet another portion his brother is residing. It is to be seen that the first floor is an Asbestos sheeted building, in which, the respondents are residing. As far as the petitioner as well as his brother are concerned, they are residing in the ground floor with pakka roofed house. He further submitted that the assets and statement of accounts shown to him is admitted by the petitioner from which, he admits that he is making payment of Rs.51,500/- as EMI and having a salary income of Rs.35,000/- Further, referring to



Ex.P7, the petitioner admits that he has got rental income of Rs.56,000/- per month and further bank repayment is only Rs.41,500/-. Hence, the petitioner has got sufficient source of income, rental income and salary to pay his parents/respondents other than meagre maintenance amount of Rs.5,000/- and he is not paying the same and finds out some reasons for non payment, which is not proper.

5.Considering the submissions made and on perusal of the material available on record, it is seen that the order of the Family Court is clear both in M.P.No.389 of 2022 and M.C.No.315 of 2018, wherein the details of the petitioner's income and expenses culled out. The petitioner admits that he is residing in one portion of the family property of the respondents. The respondents, in fact, residing in a Asbestos sheeted portion and the petitioner along with his brother is residing in the ground floor, which is pakka construction. The petitioner has got sufficient means of income and is also receiving rental income from six shops to the tune of Rs.56,000/-, which was admitted by him in his evidence. In view of the same, this Court finds no reason for the petitioner to deny his parents the maintenance amount. The



Crl.R.C.No.106 of 2024

learned counsel for respondents seeks permission of this Court to proceed against the petitioner invoking Section 128 of Cr.P.C. It is made clear that it is for the respondent, if feel so, to invoke such provision and there is no bar for the respondents.

6.With the above directions, this Criminal Revision Case is dismissed.

Consequently, connected Criminal Miscellaneous Petition is closed.

04.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rsi



Crl.R.C.No.106 of 2024

To

- 1.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Sirkali Taluk,
Mayiladuthurai District.
- 2.The I Additional Principal Judge,
Family Court, Chennai.



WEB COPY



Crl.R.C.No.106 of 2024

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.106 of 2024

and

Crl.M.P.No.878 of 2024

04.03.2024