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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7468 of 2024
and crl.Mp.No.5418 of 2024

Madheswaran

...Petitioner

-Vs-

1. Anitha

2. Minor Thavamithun

(Rep. By his next friend mother and
guardian 1st respondent Anitha)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 01.04.2023 passed in Crl. Revision case No.5/2021 on the file of the Additional District and Sessions Court, Dharmapuri by confirming the order dated 22.04.2021 passed in MC.No.3/2018 on the file of the learned Judicial Magistrate court, Pappireddipatti by allowing the present petition.

For Petitioner : Mr.J.Titus Enock

ORDER

This Criminal Original Petition has been filed to set aside the order dated 01.04.2023 passed in Crl. Revision case No.5/2021 on the file of the Additional District and Sessions Court, Dharmapuri by confirming the order dated 22.04.2021 passed in MC.No.3/2018 on the file of the learned Judicial Magistrate court, Pappireddipatti.



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2. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Since no adverse order is passed against the respondents, notice to the respondents is dispensed with.

3. It is the case of the first respondent that the petitioner is the husband and the first respondent is his wife and the second respondent is their son. The petitioner and the first respondent got married on 29.04.2012. The petitioner was continuously demanding dowry from the first respondent's father, due to which, a dispute arose between the couple. Hence, the first respondent and her son left the matrimonial home on 18.11.2017 and lodged a complaint before the All women Police Station, Harur. Thereafter, the first respondent filed a petition under Section 125 Cr.P.C. Before the learned Judicial Magistrate, Pappireddipatti. The said petition was taken on file in M.C.No.3 of 2018 and the learned Judge, vide order dated 22.04.2021 directed the petitioner herein to pay a sum of Rs.3000/- per month for the first respondent and Rs.7000/- per month for the second respondent as maintenance. Aggrieved over the same, the petitioner herein has preferred revision



before the Additional district and Sessions Court, Dharmapuri and the same was dismissed. Challenging the said order, the petitioner has filed the present petition before this Court.

4.The learned counsel appearing for the petitioner submitted that admittedly, the petitioner is a Government School teacher and receiving a salary of Rs.77,403/- pm. But after deducting of loan, GPF, etc., he is receiving only Rs.30,110/- p.m. Hence, he is not in a position to pay the maintenance amount as awarded by the trial Court. Therefore, this Court may allowed this petition by setting aside the order passed by the trial Court.

5. The facts of the case are not in dispute. The relationship of the parties are also not in dispute.

6. Now the issue that arises for consideration in the present petition is whether the second revision is maintainable under Section 482 Cr.P.C. Before this Court or not.

7. In *catena* of decision rendered by the Hon'ble Apex Court and



this Court, wherein categorically held that the second revision is not permissible under Section 482 of Cr.P.C. Further the trial Court has rightly awarded a sum of Rs.3000/- pm to the wife and Rs.7000/- pm. to the son towards maintenance, which is just and reasonable. Hence, this Court is not inclined to entertain the present petition and the same is misconceived.

8. Accordingly, the Crl. Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

01.04.2024

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Index : Yes/No

Internet : Yes/No



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To

1. The Additional District and Sessions Court, Dharmapuri.
2. The Judicial Magistrate court, Pappireddipatti.
3. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI, J.

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