



Crl.R.C.No.861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.R.C.No.861 of 2022

Ayyanarappan

.... Petitioner

Versus

Revathi

.... Respondent

Prayer: The Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C. to call for the records of M.C.No.16 of 2016 and set aside the order passed by the learned Judge, Family Court, Thiruvallur, in M.C.No.16 of 2016 on 19.03.2019 and remand the case for retrial.

For Petitioner : Mr.C.Shyaamala

For Respondent : Mr.Sandeep
for M/s.Majestic Law Firm

ORDER

-1-



Crl.R.C.No.861 of 2022

The present Criminal Revision Case has been filed to set aside the order passed by the learned Judge, Family Court, Thiruvallur, in M.C.No.16 of 2016 on 19.03.2019 and remand the case for retrial.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the husband and the respondent is the wife and the marriage between them was solemnized in the year 2010 and subsequently, the respondent claimed that she was neglected by the petitioner, thereby, she filed a petition under Section 125 Cr.P.C. in M.C.No.16 of 2016 claiming a sum of Rs.25,000/- per month for monthly maintenance. After adjudication, the trial Court ordered a sum of Rs.10,000/- as monthly maintenance. Challenging the same, the present Criminal Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that out of the wedlock, they were blessed with one male child. That male child is with the petitioner and he is taking care of the male child. However, the respondent/wife refused to take care of the child as well as the petitioner and she had developed illegal relationship with one Ramesh, which was widely published in the programme "Solvathellam Unmai", Zee



Crl.R.C.No.861 of 2022

Tamil Channel. However, the trial Court without considering the CD and 65-B Certificate filed by the petitioner, passed an order in favour of the respondent, which is not sustainable one and is clear violation of the principles of natural justice.

4. Per contra, the learned counsel appearing for the respondent would submit that the amount awarded by the trial Court is just and reasonable. If at all, the CD is filed along with 65-B Certificate, it is for the petitioner to workout his remedy in the manner known to law. However, he has no objection to set aside the order passed by the trial Court and remand the matter back to the trial Court to consider the CD as well as 65-B Certificate after providing an opportunity to the parties.

5. In view of the fair submission made by the learned counsel appearing for the respondent, this Court, without expressing any opinion, is inclined to set aside the order passed by the trial Court in M.C.No.16 of 2016 dated 19.03.2019 on ground that the video and audio CD and 65-B Certificate were not considered by the trial Court and accordingly, the same is set aside. The learned Judge, Family Court, Thiruvallur, is directed to



Crl.R.C.No.861 of 2022

provide an opportunity to the petitioner as well as the respondent and peruse the CD and 65-B Certificate and pass an appropriate order within a period of three months from the date of receipt of a copy of this order.

Accordingly, this Criminal Revision Case is allowed.

05.06.2024

asi

To

The Judge, Family Court, Thiruvallur.



WEB COPY



Crl.R.C.No.861 of 2022

M. DHANDAPANI, J.

asi

Crl.R.C.No.861 of 2022

05.06.2024