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Crl.R.C.No.897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.897 of 2024
And
Crl.M.P.No.7678 of 2024**

Ashok

... Petitioner

Vs.

Nithyakalyani

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the records and set aside the impugned interim maintenance order dated 18.03.2024 in Crl.M.P.No.4199 of 2023 in M.C.No.13 of 2022 passed by the learned Magistrate No.2, at Ponneri.

For Petitioner : M/s.V.Ramana Reddy
For Respondent : M/s.R.Sathiyamurthi

ORDER

The criminal revision case has been filed seeking to set aside the order dated 18.03.2024 in Crl.M.P.No.4199 of 2023 in M.C.No.13 of



Crl.R.C.No.897 of 2024

2022 passed by the learned Judicial Magistrate No.2, at Ponneri.

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2.The facts of the case is that the petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 14.11.1996. Thereafter there was a matrimonial dispute between them and the respondent filed maintenance case under Section 125 of Cr.P.C. in M.C.No.13 of 2022 before the learned Judicial Magistrate No.2, Ponneri. and along with it, the respondent filed Crl.M.P.No.4199 of 2023 seeking monthly interim maintenance of Rs.15,000/-. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.4,000/- to the respondent towards interim monthly maintenance from the date of the petition. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the respondent is not the wife of the petitioner, even then the Court below awarded interim maintenance to the respondent. The learned counsel further submitted that this Court may confirm the interim maintenance awarded by the Court below and issue direction to the Court below not to disburse the amount to the respondent and prayed this Court to issue direction to the Court below to dispose of the main maintenance



Crl.R.C.No.897 of 2024

WEB COPY

case by allowing the parties to adduce evidence and after considering the assets and liabilities of the petitioner as well as the respondent.

4.The learned counsel appearing for the respondent submitted that the respondent will not withdraw the interim maintenance amount till the disposal of the maintenance case and prayed this Court to issue direction to the Court below to dispose of the main maintenance case.

5.In view of the above, this Court, without going into the merits of the case and without interfering with the order impugned in the revision, directs the petitioner to deposit the entire arrears amount to the credit of M.C.No.13 of 2022 on the file of the learned Judicial Magistrate No.2, Ponneri, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to deposit the interim maintenance amount on or before 5th of every succeeding English Calender.

6.After the petitioner deposits the entire arrears amount, the



Crl.R.C.No.897 of 2024

learned Judicial Magistrate No.2, Ponneri, shall dispose of the maintenance case in M.C.No.13 of 2022, on merits and in accordance with law, within a period of four months thereafter. Since the petitioner claims that the respondent is not the wife of the petitioner, the Court below shall also decide the issue with regard to their relationship. The Court below is further directed not to disburse the interim maintenance amount to the respondent till the disposal of the maintenance case. After disposal the trial court shall disburse the amount to the succeeding party.

7.This criminal revision case is disposed of on the above terms. Consequently, the connected miscellaneous petition is closed.

10.06.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Judicial Magistrate No.2 at Ponneri.



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Crl.R.C.No.897 of 2024

M.DHANDAPANI,J.
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