



Crl.RC.No.904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.904 of 2023

and

Crl.MP.No.7369 of 2023

Ranjithkumar

...Petitioner

Vs.

Janani

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order passed by the learned Judicial Magistrate No.1, Poonari in M.C.No.3 of 2022 dated 03.03.2023.

For Petitioner : Mr.B.Rajkumar Ashok Singh

For Respondent : Mr.U.Aslam

ORDER

This Criminal revision petition has been filed to set aside the order of the Judicial Magistrate No.1, Poonari dated 03.03.2023 in M.C.No.3 of 2022. The learned Judge has ordered maintenance of Rs.5,000/- per month to the respondent.



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2. The case of the petitioner is that, the marriage between the petitioner/husband and the respondent/wife was solemnized on 08.06.2011 as per the Hindu rites and customs and out of their wedlock, they were blessed with one female and one male child. However, due to some difference of opinion, the petitioner and the respondent got separated and the children are under the care and custody of the petitioner. Whiles, the respondent filed a maintenance case under Section 125 of Cr.P.C. in MC.No.3 of 2022 on the file of the Judicial Magistrate No.1, Poonari, claiming maintenance amount of Rs.20,000/- per month in her favour. After adjudication, the trial Court awarded a sum of Rs.5,000/- per month to the respondent. Aggrieved with the said order, the petitioner/husband has filed the present revision.

3. Learned counsel for the petitioner submitted the maintenance awarded by the trial court in favour of the respondent/wife is highly excessive. Further, the petitioner is employed in a life roof sheet company and was earning only a sum of Rs.8,000/- per month and it is pertinent to note that, both the children are under the care and custody of the petitioner.



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While so, directing the petitioner to pay a maintenance of Rs.5,000/- per month to the respondent is wholly unsustainable. Accordingly, he prayed for appropriate orders.

4. Learned counsel for the respondent submitted that, the maintenance amount awarded by the trial court in favour of the respondent/ wife is already on the lower side and the same does not require any further reduction. Accordingly, he prayed for dismissal of this petition.

5. There is no dispute about the marriage between the petitioner and the respondent. The respondent is the wife and out of their wedlock, they were blessed with two children. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.



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6. In the case on hand, though the petitioner claims his salary to be only Rs.8,000/- per month, when the same is disputed by the respondent, the petitioner had failed to produce necessary evidence to substantiate his claim. In such circumstances, this Court is of the view that, by considering all the oral and documentary evidences, the trial court has awarded just and reasonable maintenance amount in favour of the respective respondents, which cannot be interfered with.

7. Accordingly, this Criminal Revision Case stands dismissed and the order of the Judicial Magistrate No.1, Poonari dated 03.03.2023 made in M.C.No.3 of 2022 is confirmed. Consequently, the connected miscellaneous petition is closed.

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skt

Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No

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1. The V Additional Principal Judge, Family Court,
Chennai.
2. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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