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CrI.R.C.No.1193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1193 of 2023

And

CrI.M.P.No.9336 of 2023

L.Murugan

... Petitioner

Vs.

1.Rajalakshmi

2.Minor.Srivarshan

Rep. by Mother and Guardian

Rajalakshmi

(1st respondent herein)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 of Criminal Procedure Code r/w. Section 19(4) of Family Courts Act, seeking to set aside order made in F.C.M.C.No.25 of 2019 on the file of the Family Court, Vellore, Vellore District, dated 02.03.2023.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.E.Kannadasan

O R D E R

The criminal revision case has been filed seeking to set aside the order made in F.C.M.C.No.25 of 2019 on the file of the Family Court,



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Vellore, Vellore District, dated 02.03.2023.

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2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 29.10.2001 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and it is alleged that the first respondent took away the second respondent to her parental home and thereafter did not return. The respondents filed maintenance case under Section 125 of Cr.P.C. in F.C.M.C.No.25 of 2019 before the Family Court, Vellore, seeking monthly maintenance of Rs.50,000/- on the ground that the petitioner refused to take care of the respondents. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.4,000/- to the first respondent and Rs.5,000/- to the second respondent towards 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the petitioner submitted that earlier the petitioner filed petition for restitution of conjugal rights and the same was withdrawn. Hence, this Court may without going into the merits of the case permit the petitioner to file petition for restitution of



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conjugal rights and after conclusion of the same, if any adverse order

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is passed against the first respondent, permit the petitioner to file fresh petition under Section 125(4) of Cr.P.C. for re-visiting the order passed by the Court below in F.C.M.C.No.25 of 2019.

4.The learned counsel appearing for the respondents raised no serious objection.

5.In view of the above, the order passed by the Family Court, Vellore, Vellore District, in F.C.M.C.No.25 of 2019, dated 02.03.2023, is confirmed. The petitioner is directed to deposit the entire arrears amount, to the credit of F.C.M.C.No.25 of 2019 on the file of the Family Court, Vellore, Vellore District, less the amount if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.9,000/- per month to the respondents towards maintenance on or before 7th of every succeeding English Calender Month. The petitioner is permitted to file petition for restitution of conjugal rights in the manner known to law and further liberty is granted to the petitioner to file appropriate petition for re-visiting the order passed by the Court



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below in F.C.M.C.No.25 of 2019.

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M.DHANDAPANI,J.
pri

6.With the above observations, this criminal revision case stands disposed of. Consequently, the connected miscellaneous petition is closed.

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

To

1.The Family Court, Vellore,
Vellore District.

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