



Crl.R.C.No.694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.694 of 2024
And
Crl.M.P.No.6498 of 2024**

M.Ramachandran

... Petitioner

Vs.

1.M.Selvi
2.R.Aruna

(2nd Respondent represented
by her Mother and Natural Guardian
M.Selvi - 1st respondent)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order dated 31.03.2022 passed by the III Additional Family Court, Chennai made in M.P.No.664 of 2021 in M.C.No.169 of 2015.

For Petitioner : M/s.R.Thiyagarajan
for Ms.A.Anuradha
For Respondents : Mr.P.Raj Kumar

O R D E R

The criminal revision case has been filed seeking to set aside



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the order dated 31.03.2022 passed in M.P.No.664 of 2021 in M.C.No.169 of 2015 by the III Additional Family Court, Chennai.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the second respondent is their daughter. There was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.169 of 2015 before the Family Court, Chennai claiming a sum of Rs.40,000/- as monthly maintenance. The trial Court partly allowed the said case directing the petitioner to pay a sum of Rs.20,000/- as monthly maintenance from the date of filing of the petition, i.e., 16.04.2015. Since the petitioner failed to comply with the said order, the respondents filed petition under Section 128 of Cr.P.C. in M.P.No.664 of 2021 seeking to issue warrant as per the provisions of Sections 421 and 431 of Cr.P.C. for attachment and sale of immovable property or to issue warrant to the Collector of Chennai District authorizing him to realize the arrear amount of Rs.15,40,000/- including the arrears to be accumulated till the date of realization from the movable or immovable property or both of the petitioner. After adjudication, the trial Court allowed the petition and attachment order was passed. Challenging the same, the present



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revision has been filed.

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3.The learned counsel for the petitioner submitted that the petitioner has filed petition under Section 125 (4 and 5) of Cr.P.C. in M.P.No.508 of 2022 seeking to cancel the order passed on 02.06.2018 in M.C.No.169 of 2015 and further submitted that unless M.P.No.508 of 2022 is decided in the manner known to law, attachment cannot be made and hence the impugned order is not sustainable one.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

5.The facts of the case and the relationship between the parties is not disputed. The respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.169 of 2015 before the Family Court, Chennai claiming a sum of Rs.40,000/- as monthly maintenance. The trial Court partly allowed the said case and directed the petitioner to pay a sum of Rs.20,000/- as monthly maintenance from the date of filing of the petition, i.e., 16.04.2015. Since the petitioner failed to comply with the said order, the respondents filed petition under Section 128 of Cr.P.C. in M.P.No.664 of 2021 and the trial Court



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allowed the petition and attachment order was passed.

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6.Though the petitioner claim that he has filed M.P.No.508 of 2022 seeking to cancel the order passed on 02.06.2018 in M.C.No.169 of 2015, perusal of records show that the petitioner has filed the said petition on 16.06.2022 immediately after the trial Court passed the attachment order on 31.03.2022. The petitioner should have filed M.P.No.508 of 2022 at the relevant point of time when the order was passed by the trial Court in the maintenance case. Hence, the relief sought for in this revision cannot be granted.

7.This revision is dismissed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The III Additional Family Court,
Chennai.

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