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Crl.R.C.No.1266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1266 of 2023

And

Crl.M.P.Nos.10128 and 12877 of 2023

V.Rajesh

... Petitioner

Vs.

1.Anupriya.S.

2.Sai Laven @ Vignesh (Minor)

Represented by his Mother,

Natural Guardian – R1

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order passed in M.P.No.1327 of 2022 in M.C.No.48 of 2021 dated on 30.05.2023 on the file of the III Additional Principal Family Court, Chennai and call for the records and acquit the petitioner from all the charges.

For Petitioner : Mr.C.Arivazhagan

For Respondents : M/s.R.Mahalakshmi

O R D E R

The criminal revision case has been filed seeking to set aside the



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order dated 30.05.2023 passed by the III Additional Principal Family Court, Chennai in M.P.No.1327 of 2022 in M.C.No.48 of 2021.

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 16.09.2015 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.48 of 2021 before the III Additional Principal Family Court, Chennai and along with it, the respondents filed M.P.No.1327 of 2022 seeking monthly interim maintenance of Rs.1Lakh, past maintenance of Rs.15 Lakhs and Rs.1 Lakhs for litigation expenses. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.25,000/- per month towards interim maintenance to the first respondent from the date of filing of the petition i.e., 08.11.2022 till the disposal of the maintenance case and to pay a sum of Rs.30,000/- towards litigation expenses, however, did not grant any amount towards past maintenance. Challenging the same, the present revision has been filed.



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3.The learned counsel for the petitioner submitted that the Court below without perusing the assets and liabilities, directed the petitioner to pay a sum of Rs.25,000/- per month towards interim maintenance to the first respondent which is not sustainable one.

4.The learned counsel appearing for the respondents submitted that the petitioner is working in a software company and is also owning a Kalyana Mandapam and earning a huge sum, however, the Court below has directed the petitioner only to pay a sum of Rs.25,000/- per month towards interim maintenance. Hence, the impugned order warrants no interference.

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

6.The grounds on which maintenance can be rejected to the wife can be on the ground that wife is able to maintain herself and she has the requisite means to maintain herself; that she is living in adultery; and where the person, who offers to maintain his wife on condition of her living with him and she refuses to live with him.



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7.In the case on hand, it is not the case of the petitioner that his wife has sufficient means to maintain herself by her earnings or that she is living in adultery or that he is ready to maintain her if she comes and lives with him, but his wife is refusing to unite with him. There is no specific plea on the aforesaid three fronts and therefore, necessarily the wife is entitled to maintenance and appreciating the above in proper perspective, the Court below has granted maintenance.

8.The relationship between the parties is not disputed. Though, the petitioner claims that without perusing the assets and liabilities, the Court below directed the petitioner to pay a sum of Rs.25,000/- per month towards interim maintenance, taking into consideration, the present cost of living and the future of the second respondent, the amount awarded by the Court below, in the considered opinion of this Court is just and reasonable and the impugned order warrants no interference.

9.Accordingly, the petitioner is directed to deposit the entire arrears amount, to the credit of M.C.No.48 of 2021 before the III Additional Principal Family Court, Chennai, less the amount if any,



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already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.25,000/- per month to the respondents towards interim maintenance on or before 7th of every succeeding English Calendar Month till the disposal of the maintenance case. After the petitioner deposits the entire arrears amount, the III Additional Principal Family Court, Chennai, shall dispose of the maintenance case in M.C.No.48 of 2021, on merits and in accordance with law, within a period of five months thereafter.

10.The criminal revision case is dismissed. Consequently, the connected miscellaneous petitions are closed.

15.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The III Additional Principal Family Court,
Chennai.



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