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Crl.R.C.No.1010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

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

Crl.R.C.No.1010 of 2024
& Crl.M.P.No.8543 of 2024

B.Mohammed Haneef

... Petitioner

Vs.

1.S.Tanveer Fathima

2. Minor Mohamed Thameed Ayman

Rep. By her mother and Next friend

... Respondents

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the order dated 05.12.2022 made in FCMC. No.24 of 2022 on the file of the Family court, Chengalpattu and set aside the same.

For Petitioner

: Mr.G.Veerapathiran

For Respondents

: Mr.Arif ali

ORDER

This petition has been filed seeking to quash the order dated 05.12.2022 made in FCMC. No.24 of 2022 on the file of the Family court, Chengalpattu.

2. The facts of the case are as follows:



Crl.R.C.No.1010 of 2024

The first respondent is the wife of the petitioner and the second respondent is his son. The marriage between the first respondent and the petitioner was solemnized on 10.01.2020 as per Muslim rites and customs. Out of the wedlock, they were blessed with a male child. Due to misunderstanding between the couple, they were living separately, for which, the first respondent has filed a maintenance case before the Family Court under Section 125 of Cr.P.c. Claiming a sum of Rs.50,000/- per month to the first respondent herein and Rs.20,000/- to the second respondent. The Family Court, vide order dated 05.12.2022, passed an order by directing the petitioner to pay a sum of Rs.30,000/- per month to the son and rejected the claim in respect of the wife as she is a Doctor by profession. Aggrieved over the same, the present revision has been filed.

3. The learned counsel for the petitioner submitted that the petitioner the petitioner has paid entire arrears of maintenance as on date and the petitioner is ready to pay a sum of Rs.20,000/- per month to the child. This Court may direct the learned Judge, Family Court to restore the maintenance case and to give sufficient opportunity to the petitioner.



4. The learned counsel for the respondent has not raised any serious objection for the submission made by the learned counsel for the petitioner.

5. Heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the fair submission made by the learned counsel for the petitioner, this Court passes the following orders:

(i) The order in FCMC.No.24 of 2022 dated 05.12.2022 passed by the Family Court, Chengalpattu is hereby set-aside. The petitioner is directed to pay a sum of Rs.25,000/- per month as maintenance to the second respondent on or before 5th of every English Calender month; and

(ii) The learned Judge, Family Court, shall restore the maintenance case and pass orders afresh after giving opportunity to the petitioner and the respondents, within a period of three months from the date of receipt of the payment, on merits and in accordance with law."



Crl.R.C.No.1010 of 2024

WEB COPY

7. With the above directions and modifications, the revision is allowed. Consequently, connected miscellaneous petition is also closed.

29.07.2024

Index:Yes/No
Speaking/Non speaking order
rli

To

The Judge, Family Court, Chengalpattu.



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Crl.R.C.No.1010 of 2024

M.DHANDAPANI.J.

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Crl.R.C.No.1010 of 2024

29.07.2024