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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C. No. 442 of 2023

and Crl.MP.No.3342 of 2023

V.Gajendra Vajja @ Gajendra Reddy

...Petitioner

Vs.

J.Sujitha Jayachandran

... Respondent

Criminal Revision filed under Section 397 read with Section 401 of Code of Criminal Procedure to set aside the order dated 14.07.2022 made in M.C.No.26 of 2016 by the learned Judicial Magistrate-II. Poonamallee.

For Petitioner : Ms.P.V.Rajeswari

For Respondent : Mr.K.Bharathi

ORDER

This Criminal Revision case has been filed to quash the order order dated 14.07.2022 made in M.C.No.26 of 2016 by the learned Judicial Magistrate-II. Poonamallee.

2. The Revision Petitioner is husband and the respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 14.11.2013 as per Hindu Rites and Customs. In their wedlock, on female child was born. Due to difference of opinion, the couples were living separately. Thereafter, the respondent/wife has filed a

<https://www.mhc.tn.gov.in/judis> petition against her husband under Section 125 of Cr.P.C., claiming a



sum of Rs.2,00,000/- as maintenance before the Family Court and the same was allowed directing the revision petitioner/husband to pay a sum of Rs.20,000/- per month as maintenance to the respondent and her daughter . Challenging the order passed by the learned Judge, Family Court, the petitioner herein has filed the present Revision before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that due to misunderstanding, the respondent left the matrimonial home without any sufficient reason. After delivery, the respondent has never come forward to live with the petitioner. In order to harass the petitioner, the respondent has filed maintenance case. Therefore, the respondent is not entitled to get maintenance from the petitioner as she has deserted her husband. Hence, the order passed by the learned Judge, Family Court, is liable to be set aside.

4. The learned counsel for the respondent submitted that the petitioner and his family members used to quarrelled with his wife and also demanded dowry. Thereafter, the petitioner driven out the respondent from the matrimonial home. The petitioner is earning



sufficient amount and the respondent is unable to maintain herself.

Despite having sufficient means, the petitioner is refused to maintain his wife and child. The Family Court, after taking into consideration all the submissions made by both the sides, has awarded the maintenance amount, which is a lesser amount only and it does not warrant any modification.

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

6. It is admitted that the respondent is the wife of the petitioner and the marriage between the petitioner and the respondent has also admitted and the paternity of the child is also not disputed. After the marriage, the revision petitioner and his family member started to demand the dowry and also abused her in filthy language and assaulted her and the petitioner driven out from the matrimonial home. However, as on date, the petitioner has not taken any steps to bring back his wife to the matrimonial home. The learned counsel for the petitioner submitted that the petitioner did not demand dowry. It is seen from the impugned order that the petitioner is working in USA and earning sufficient means.



According to the husband, the wife left the matrimonial home without any valid reason and she is not entitled to get any maintenance from the petitioner. According to the wife, the husband and his family members caused cruelty and she was driven out from the matrimonial home. Under these circumstances, the Family court awarded 20,000/- to the respondent per month towards maintenance, which is not excessive and the same is reasonable considering the cost of living prevailing as on date.

7. With the above discussions, this criminal revision case is dismissed. The petitioner is directed to deposit the entire arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to continue to pay a sum of Rs.20,000/- as monthly maintenance to the respondent on or before every 7th day of English Calendar month, without any default. Consequently, connected miscellaneous petition is also closed.

15.04.2024

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Index : Yes/No

Speaking Order/Non speaking order



To

The Judicial Magistrate-II. Poonamallee.

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M.DHANDAPANI,J.

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