



Crl.R.C.No.1667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1667 of 2023

and

Crl.M.P.No.15727 of 2023

D.Santhanam

... Petitioner

Vs.

1. K.Sankari
2. S.Lavanya
3. S.Pavithra

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 11.07.2023 passed in M.P.No.196 of 2016 in M.C.No.223 of 2006 on the file of the II Additional Principal Family Court, Chennai.

For Petitioner : Mr.S.Ravi, Senior Counsel
for Ms.S.Indumathi Ravi

For Respondent : Mr.S.Vasavi Sridevi



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filed an enhancement petition under Section 127 of Cr.P.C in M.P.No.196 of 2016 on the file of the II Additional Principal Family Court, Chennai. After adjudication, the trial Court has allowed the petition in part directing the respondent to pay a sum of Rs.8,000/- to the first respondent and a sum of Rs.4,000/- each to the respondents 2 and 3 as monthly maintenance on or before 5th of every English succeeding calender month. Challenging the same, the petitioner has filed the present revision before this court.

3. The learned Senior counsel appearing for the petitioner submitted that the petitioner is working as Electrician in Qube Cinema Private Limited and earning a sum of Rs.18,563/- per month and he has no capacity to pay such huge amount awarded by the trial Court. He further submitted that the first respondent is working as Machine Operator and earning a sum of Rs.20,727/- per month. He further submitted that the petitioner is ready to deposit a sum of Rs.5,00,000/- each in the name of the respondents 2 and 3 herein in an interest bearing fixed deposit, however refused to pay maintenance to the first respondent / wife, since she is



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working in a private sector and earning a sum of Rs.20,727/- per month. He further submitted that the respondents 2 and 3 are not entitled for maintenance under Section 125 of the Code of Criminal Procedure, 1973 or under Section 20 of the Hindu Adoptions and Maintenance Act, 1956.

4. The learned counsel for the respondents has fairly conceded to the same and submitted that this Court may grant liberty to the first respondent to work out her remedy in the manner known to law, if she is not able to continue her employment in future.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. It appears that the first respondent, who is the wife of the petitioner, has filed a petition under Section 127 of Cr.P.C in M.P.No.196 of 2016 in M.C.No.223 of 2006 before the learned II Additional Principal



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Judge, Chennai seeking enhancement. After considering the factual aspects, the trial Court has ordered monthly maintenance of Rs.8,000/- to the first respondent and a sum of Rs.4,000/- each to the respondents 2 and 3. Since the first respondent / wife is working as Machine Operator and earning a sum of Rs.20,727/- per month, the petitioner has refused to pay monthly maintenance to her. However, the petitioner is ready to deposit a sum of Rs.5,00,000/- each in the name of the respondents 2 and 3.

7. In view of the fair submissions made by the learned Senior counsel appearing for the petitioner, this Court is inclined to set aside the impugned order dated 11.07.2023 on the following directions:

(i) the impugned order dated 11.07.2023 made in M.P.No.196 of 2016 in M.C.No.223 of 2006 is set aside;

(ii) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each in the name of the respondents 2 and 3 in the interest bearing fixed deposit for a period of one year within a period of two weeks from today;



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(iii) Upon deposit, the petitioner is directed to deposit remaining sum of Rs.4,00,000/- (Four Lakhs only) each in the name of the respondents 2 and 3 as full quit in the same interest bearing fixed deposit for the period of one year within a period of eight weeks from the date of deposit of the above said Rs.2,00,000/-;

(iv) since the first respondent / wife is working and earning sufficient sum to maintain herself, she is not entitled for any maintenance and liberty is granted to the first respondent to work out her remedy in the manner known to law, if she quits the employment in future; and

(v) The respondents 2 and 3 are not entitled for any maintenance under Section 125 of the Code of Criminal Procedure, 1973 or under Section 20 of the Hindu Adoptions and Maintenance Act, 1956, since they will receive the above said sum as full quit and attained majority.



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8. Accordingly, the Criminal Revision Case is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

22.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy by 23.07.2024.

To

The learned II Additional Principal Judge,
Chennai.



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M.DHANDAPANI, J.

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