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CrI.R.C.No.1464 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1464 of 2022

And

CrI.M.P.No.16572 of 2022

Rajagopal

... Petitioner

Vs.

Soundarya

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order dated 15.07.2022 passed in F.C.M.C.No.07 of 2020 on the file of the Family Judge, Ariyalur.

For Petitioner : M/s.A.V.Raja
For Respondent : No Appearance

ORDER

The criminal revision case has been filed seeking to set aside the order dated 15.07.2022 passed in F.C.M.C.No.07 of 2020 by the Family Judge, Ariyalur.



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2.The case of the petitioner is that the petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 26.08.2013 and they were blessed with two children. Thereafter there was a matrimonial dispute between them and the respondent filed maintenance case under Section 125 of Cr.P.C. in F.C.M.C.No.07 of 2020 before the Family Court, Ariyalur claiming a sum of Rs.6,000/- as monthly maintenance. The Court below allowed the said petition and directed the petitioner to pay a sum of Rs.6,000/- as monthly maintenance to the respondent from the date of filing of the petition. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the respondent eloped with one Santhakumar during the year 2019, for which, the petitioner lodged a complaint with the law enforcing agency and the law enforcing agency registered F.I.R. in Crime No.70 of 2019 and the same has been marked as Ex.R4 before the Court below. The learned counsel further submitted that the respondent filed petition for divorce and for custody of the children and further submitted that the divorce petition came to be allowed and the petition for custody of the children came to be dismissed and



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further submitted that the children are with the petitioner. The learned counsel further submitted that without considering all the above aspects, the Court below allowed the maintenance case filed by the respondent which is not sustainable one.

4.The learned counsel for the petitioner further submitted that since the respondent eloped with one Santhakumar, the petitioner adjudicate the issue for denial of maintenance mainly on the ground of adultery, however, investigation has not yet been completed and charge sheet has not yet been filed. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to file petition under Section 127 of Cr.P.C., if there is any proof against the respondent with regard to adultery.

5.Considering the submissions made by the learned counsel for the petitioner and the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case, confirm the order dated 15.07.2022 passed in F.C.M.C.No.07 of 2020 by the learned Family Judge, Ariyalur and grant liberty to the petitioner to file petition under Section 127 of Cr.P.C., if there is any proof against the respondent with regard to adultery, except the F.I.R.



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M.DHANDAPANI,J.

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6.With the above observations, the revision stands 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 Family Judge,
Ariyalur.

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