



Crl.R.C.No.1548 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1548 of 2022

and

Crl.M.P.No.18759 of 2022

P.Murugan

... Petitioner

Vs.

D.Archana

... Respondent

Prayer : Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, praying to call for the records and set aside the order dated 27.10.2022 made in M.C.No.57 of 2016 on the file of the learned Family Court, Erode.

For Petitioner : Mr.M.Vijayakumar

ORDER

This Criminal Revision Case is filed against the order passed by the Family Court, Erode, dated 27.10.2022 in M.C.No.57 of 2016.



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2. The case of the petitioner is that, the marriage of the petitioner/husband and the respondent/wife was solemnized on 25.03.2004 as per the Hindu Rites and Customs. Due to misunderstanding, the petitioner and the respondent are living separately. Therefore, the petitioner filed a divorce petition in H.M.O.P.No.452 of 2014 on the file of Family Court, Erode on the ground of desertion and the same was allowed on 17.02.2015. Thereafter, the petitioner got married to another woman. In the meanwhile, the respondent has filed a maintenance case under Section 125 of Cr.P.C. in M.C.No.57 of 2016 on the file of Family Court, Erode, claiming a monthly maintenance of Rs.20,000/-. After adjudication, the Trial Court by its order 27.10.2022 awarded a sum of Rs.3,000/- p.m. to the respondent/wife. Aggrieved by the same, the present revision is filed by the petitioner/husband.

3. The learned counsel appearing for the petitioner submitted that, during the enquiry before the Trial Court, the respondent stated that she was working as Assistant in a private company and earning a sum of Rs.12,000/- as monthly income. When such a statement is made by the respondent, claiming maintenance from the petitioner is not sustainable.



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Accordingly, he prays for allowing the revision.

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4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. There is no dispute about the marriage between the petitioner and the respondent. It is to be pointed out that, it is the duty of the husband to maintain his wife and the comforts, which were available to the spouse should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife.

6. In the case on hand, though the petitioner claims that the respondent was earning a sum of Rs.12,000/- p.m., it is the duty of the petitioner/husband to maintain the respondent/wife. In such circumstances, this Court is of the view that, by considering all the oral and documentary evidence, the Trial Court has awarded just and reasonable maintenance in favour of the respondent, which cannot be



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interfered with.

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7. Accordingly, the Criminal Revision Case is dismissed and the order passed by the Family Court, Erode in M.C.No.57 of 2015 dated 27.10.2022 is confirmed. Consequently, the connected criminal miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Family Court, Erode.



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M.DHANDAPANI, J.

sp

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