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Crl.R.C.No.1907 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1907 of 2023

And

Crl.M.P.No.17767 of 2023

D.Ravi

... Petitioner

Vs.

1.Anuradha

2.The District Education Officer,
Ranipet District,
Ranipet.

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order dated 06.09.2023 passed in C.M.P.No.53 of 2023 in M.C.No.11 of 2019 on the file of the Family Court, Tiruvallur by allowing this criminal revision petition.

For Petitioner : Mr.P.Krishnan
For Respondents : No Appearance

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 06.09.2023 passed by the Family Court, Tiruvallur, in



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C.M.P.No.53 of 2023 in M.C.No.11 of 2019.

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2.The learned counsel for the petitioner submitted that the first respondent is the wife of the petitioner. Due to matrimonial dispute, the first respondent filed maintenance case under Section 125 of Cr.P.C. in M.C.No.11 of 2019 and the same was ordered on 05.12.2022 and the petitioner was directed to pay a sum of Rs.7,500/- per month to the first respondent from the date of the petition and to pay a sum of Rs.2,000/- towards litigation expenses and since the petitioner failed to pay the maintenance amount, the first respondent filed C.M.P.No.53 of 2023 in M.C.No.11 of 2019 before the Family Court, Tiruvallur seeking direction to the petitioner to pay a sum of Rs.4,14,500/- to the first respondent towards arrears of maintenance for the period from 06.08.2018 to February, 2023 and the said petition was ordered on 06.09.2023. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner further submitted that the marriage between the petitioner and the first respondent is not disputed and out of the wedlock, they were blessed with two children and after both the children attained the age of majority, the first



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respondent filed the maintenance case, which is not sustainable one.

The learned counsel further submitted that the petitioner is ready to take of the first respondent, however, the first respondent is refusing to live with the petitioner. Hence, the first respondent is not entitled for any arrears of maintenance amount.

4.The grounds on which maintenance can be rejected to the wife can be on the ground that wife is able to maintain herself and she has the requisite means to maintain herself; that she is living in adultery; and where the person, who offers to maintain his wife on condition of her living with him and she refuses to live with him.

5.In the case on hand, it is not the case of the petitioner that his wife has sufficient means to maintain herself by her earnings or that she is living in adultery, however, the petitioner claims that he is ready to maintain his wife, but his wife is refusing to unite with him.

6.The relationship between the parties is not disputed. Though, the petitioner claims that he is ready to maintain his wife, but his wife is refusing to unite with him, till date the petitioner has not even paid a single pie to the first respondent and hence the first



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respondent was constrained to file C.M.P.No.53 of 2023 in M.C.No.11 of 2019 before the Family Court, Tiruvallur seeking direction to the petitioner to pay a sum of Rs.4,14,500/- to the first respondent towards arrears of maintenance for the period from 06.08.2018 to February, 2023 and the said petition was ordered on 06.09.2023 which warrants no interference.

7.Accordingly, the petitioner is directed to deposit the entire arrears amount, to the credit of M.C.No.11 of 2019 before the Family Court, Tiruvallur, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.7,500/- per month to the first respondent towards maintenance on or before 7th of every succeeding English Calender Month.

8.The criminal revision case is 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 Court, Tiruvallur.

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