



Crl.R.C.(MD)No.324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.(MD)No.324 of 2024

and

CrI.M.P(MD)No.3688 of 2024

Velmurugan

... Petitioner

Vs.

1.Ramabarathi

2.Minor Poornachandra

... Respondent

(2nd respondent is a minor rep. by his mother and natural guardian namely, the first respondent)

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 23.01.2024 made in M.C.No.18 of 2021 on the file of the learned Judge, Family Court, Dindigul.



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For Petitioner : Mr.P.Manikandan

ORDER

This Criminal Revision Case has been filed against the order dated 23.01.2024 passed in M.C.No.18 of 2021 on the file of the learned Judge, Family Court, Dindigul.

2. According to the petitioner, the first respondent is his wife. They got married on 09.02.2018. Out of the wedlock, they were blessed with a child/second respondent on 23.05.2019. The petitioner is working in Indian Army. There was a matrimonial dispute between them, for which, the petitioner had already filed a divorce petition in HMOP No.28 of 2021 before the Family Court, Dindigul. After filing the divorce petition, the first respondent came up for reunion and hence, the petitioner had withdrawn the divorce petition. Even thereafter, there was a family dispute in between them, for which, the first respondent made a complaint before the All Women Police Station,



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Dindigul and thereafter, she has withdrawn the same. The first respondent settled the matter amicably and gave an undertaking for reunion before Family Court. However, within 7 days, the first respondent filed a maintenance petition in M.C.No.18 of 2021, on the file of the Family Court, Dindigul. The first respondent suppressed the entire facts and filed the maintenance petition. In the mean time, the petitioner has also filed a petition for restitution of conjugal rights in HMOP.No.213 of 2023 on the file of the Family Court, Dindigul. In the said proceedings, he appeared through a counsel. The learned trial Judge, after hearing both sides, passed an order, dated 23.01.2024 directing the petitioner to pay a sum of Rs.7,000/- to the first respondent and a sum of Rs.5,000/- to the second respondent towards monthly maintenance. Challenging the same, the present Criminal Revision has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is interested for reunion. However, the first respondent is not interested in the family life and eventhough the petitioner expressed



his willingness to join with the first respondent, however, the first respondent has not shown any interest to join with the petitioner. He further submitted that the petitioner had already deposited a sum of Rs.70,000/- towards maintenance before the Court on 24.08.2023. Now, the petitioner is taking steps for reunion. In the said circumstances, he prays to allow this Criminal Revision Case.

4. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5. This Court considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

6. Now the issue arises for consideration before this Court is as to whether the first respondent is entitled for maintenance and the same is on the higher side or not.



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7. On a perusal of records, there is no dispute with regard to the solemnization of marriage and the relationship between the parties. Though the revision petitioner has filed a petition for restitution of conjugal rights and the same is pending, so far no order is passed. Though the revision petitioner has taken a ground that the 1st respondent has also gave an undertaking that she is willing for reunion with the petitioner before the All Women Police Station, Dindigul on 13.04.2021, but till date she has not taken any steps for reunion. But there is no evidence to prove the same. Whereas, the learned Judge found that the 1st respondent has no means to maintain herself and child. The revision petitioner has not proved that the 1st respondent is an earning member having sufficient means to maintain herself and hence, he is liable to pay a sum of Rs.12,000/- p.m. towards maintenance to the respondents.

8. It is an admitted fact that the respondents are living separately, without any rhyme or reason. There is no dispute with



regard to relationship and the paternity of the 2nd respondent. As a dutiful husband and father, the revision petitioner is liable to maintain the respondents. In respect of quantum of maintenance is concerned, at the time of filing the maintenance petition, the respondents have claimed a sum of Rs.25,000/- per month, but the learned Judge, after considering all the related documents, awarded a sum of Rs.12,000/- per month to the respondents and in the considered view of this Court, it is not on the higher side.

9. After going through the records, I find that the revision petitioner / husband is not taking care of the family and taking into consideration of the present day cost of living and the earning capacity of the petitioner, the award passed by the learned Judge seems to be just and proper and the same cannot be said to be excessive. There is no reason for this Court to interfere with the well considered order passed by the learned Judge and as such, there is no merit in the Criminal Revision.



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10. Accordingly, the Criminal Revision Case is dismissed, as devoid of merits, at the stage of admission itself. Consequently connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Copy to

1.The Judge,
Family Court,
Dindigul.



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M.DHANDAPANI, J.

RM

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