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Crl.O.P.(MD) No.5001 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5001 of 2024

and

CRL.M.P(MD).No.3910 of 2024

Pandi

...Petitioner

Vs

1.Geetha

2.Minor Pooja

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order passed by the learned Additional District and Sessions Judge(FTC), Tenkasi in Crl.R.C.NO.48 of 2022 dated 27.09.2023 which confirmed the order passed by the Judicial Magistrate Court, Tenkasi in M.C.No.14 of 2013 dated 14.09.2022 and allow this Criminal Original Petition.

For Petitioner : Mr.G.Aravinthan

**For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor**



Crl.O.P.(MD) No.5001 of 2024

ORDER

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This criminal original petition has been filed seeking to set aside the order passed by the learned Additional District and Sessions Judge(FTC), Tenkasi in Crl.R.C.NO.48 of 2022 dated 27.09.2023.

2. Aggrieved over the order passed by the learned Judicial Magistrate, Tankasi, the petitioner has filed a Revision Petition before the learned Additional District and Sessions Judge (FTC), Tenkasi under Section 125 of Cr.P.C and the same was dismissed. Aggrieved over the same, the present petition is filed to set aside the order dated 27.09.2023. There is no provisions for filing a revision petition as against the order passed in the revision petition. Therefore, this application is filed under Section 482 of Cr.P.C. There are two views on entertaining such application filing under Section 482 of Cr.P.C. Apart from that, the petitioner has filed this application that his income is Rs.15,000/-. However, the trial Court has passed the order imposing maintenance and directing the petitioner to pay maintenance of Rs.5,000/- to the first respondent/wife and Rs.4000/- to the second respondent/minor child.



Crl.O.P.(MD) No.5001 of 2024

3.The learned Counsel for the petitioner submitted that the first respondent has voluntarily deserted the petitioner. The petitioner herein has already filed a divorce petition and the divorce decree was already granted. The first respondent has not taken any steps to live together with the petitioner and therefore, the order of maintenance is not proper. Therefore, the petitioner has filed this petition seeking to set aside the order passed by the learned Additional District and Sessions Judge(FTC), Tenkasi.

4.This Court is not inclined to appreciate these grounds. Even though the petitioner and his wife got divorce from the Court concerned, the petitioner is liable to pay maintenance to his wife and daughter.

5.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No

15.04.2024

Internet:Yes/No

Index:Yes/No

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To

1.The learned Additional District and Sessions Judge(FTC), Tenkasi.

3/5



Crl.O.P.(MD) No.5001 of 2024

2.The Judicial Magistrate Court, Tenkasi.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.5001 of 2024

B.PUGALENDHI, J.

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