



Crl.R.C.(MD).No.667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.07.2024

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).No.667 of 2024

and

Crl.M.P(MD).No.6860 of 2024

Panneerselvam

.. Petitioner

Vs.

P.Poopathi

... Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 24.01.2024 in Cr.M.P.No.5747 of 2023 in M.C.No.14 of 2023 on the file of the learned Judicial Magistrate, Vadipatti and set aside the same.

For Petitioner : Mr.G.R.Sathish
For Respondent : Mr.S.A.Ajmal Khan

ORDER

This petition has been filed to call for the records pertaining to the order dated 24.01.2024 in Cr.M.P.No.5747 of 2023 in M.C.No.14 of 2023



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on the file of the learned Judicial Magistrate, Vadipatti and set aside the same.

2. The petitioner and the respondent are husband and wife. Due to the difference of opinion, they were separated and the petitioner has filed a divorce petition in H.M.O.P.No.209 of 2023 before the Family Court, Kuddalore. While pending the divorce petition, the respondent filed a petition in Crl.M.P.No.5747 of 2023 in M.C.No.14 of 2023 seeking interim maintenance.

3. The learned counsel for the petitioner submits that even though the respondent claims only a sum of Rs.10,000/- as monthly maintenance, the learned Judge granted a sum of Rs.15,000/- as monthly maintenance to the respondent. Challenging the same the present Criminal Revision Case has been filed.

4. The learned counsel for the respondent submits that considering the cost of living and also considering the income of the petitioner only, the learned Judge granted interim maintenance to the respondent. Therefore, he prays for dismissal of the petition.

5. Heard both sides and perused the materials available on record.

6. Perusal of records shows that the respondent claims only a sum of Rs.10,000/- as maintenance, but the learned trial judge granted a sum of



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Rs.15,000/- as maintenance. Apart from that the petitioner is aged about 63 years and he is running the grocery shop.

7. Considering the age and income of the petitioner, this Court is inclined to set aside the order passed in Cr.M.P.No.5747 of 2023 in M.C.No.14 of 2023 dated 24.01.2024. Accordingly, this Criminal Revision Case is allowed. The petitioner is directed to deposit the arrears amount of the maintenance at the rate of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) per month before the Judicial Magistrate, Vadipatti, in M.C.No.14 of 2023 on or before 20.08.2024, failing which, this petition stands automatically dismissed without further reference to this Court and the learned trial Judge is directed to proceed further on the basis of the order passed in Cr.M.P.No.5747 of 2023. On such deposit being made, the learned Judicial Magistrate, Vadipatti, is directed to dispose of the M.C.No.14 of 2023 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, Vadipatti.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J

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