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Crl.O.P.(MD)No.13191 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.13191 of 2022

and

Crl.M.P.(MD).No.8406 of 2022

A.Chellappa

... Petitioner

Vs.

1.Saraswathi

2.Selvi Aarthi Masanam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order made in Crl.R.C.No.12 of 2021 dated 23.04.2022 by the I Additional District and Sessions Judge, Tirunelveli, confirming the order made in M.C.No.6 of 2019 dated 26.08.2021 by the learned Chief Judicial Magistrate, Tirunelveli.

For petitioner

: Mr.D.Venkatesh

For Respondents

: Mr.K.Navaneetharaja

ORDER

This criminal original petition has been filed seeking orders to set aside the order made in Crl.R.C.No.12 of 2021 dated 23.04.2022 passed by the I Additional District and Sessions Judge, Tirunelveli, by confirming the order made in M.C.No.6 of 2019 dated 26.08.2021 passed by the learned Chief Judicial Magistrate, Tirunelveli.



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2. The learned counsel appearing for the petitioner would submit that the respondents are wife and daughter of the petitioner herein. The respondents herein filed a petition under Section 125 of Cr.P.C. before the trial Court in M.C.No.6 of 2019 for claiming maintenance from the petitioner. He would further submit that the trial Court, after adjudication, has awarded a sum of Rs.7,500/- each to the respondents. Aggrieved by the same, the petitioner has filed a revision before the learned I Additional District Sessions Judge and the learned Judge has confirmed the order passed by the Trial Court. As against the concurrent findings, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is working in a Beedi Company. He would further submit that the first respondent had some illegal relationship with one person and thereby, both of them are living separately. He would further submit that the second respondent has now attained majority and she is running a tuition centre. Hence, the amount fixed by the trial Court, which was confirmed by the learned I Additional District Sessions Judge is nonest in the eye of law.

4. The learned counsel appearing for the respondents would submit that till date no Divorce Petition was filed by both of them. It is



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the duty of the petitioner to take care of his family and the maintenance amount fixed by the trial Court, which is confirmed by the learned I Additional District Sessions Judge, Tirunelveli, is very meagre amount and this Court cannot interfere with the order passed by the lower Courts.

5. In view of the above, the maintenance amount fixed by the trial Court, which was confirmed by the Appellate Court is very just and reasonable one. Hence, this Court is not inclined to set aside the order passed by the learned I Additional District and Sessions Judge, Tirunelveli.

6. In the result, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

29.02.2024

Index : Yes/No
Internet : Yes/No
TSG

To

- 1.The I Additional District and Sessions Judge, Tirunelveli,
- 2.The Chief Judicial Magistrate, Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

Madurai.

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M.DHANDAPANI. J.

TSG

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