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Crl.O.P.(MD)No.16143 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

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

Crl.O.P.(MD) No.16143 of 2022
and Crl.M.P.(MD).No.10689 of 2022

Ranganath Arun

... Petitioner

Vs.

1.Meenu Priya

2.Minor.Pranav

Represented through his natural guardian
and mother/first respondent

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order passed by the learned Principal District and Sessions Judge, Theni in Crl.R.P.No.26 of 2021 dated 27.07.2022 confirming the order dated 16.08.2021 passed in M.C.No.35 of 2015 on the file of the learned Judicial Magistrate, Bodinayakanur, by allowing this petition.

For petitioner : Mr.T.Antony Arulraj

For R1 and R2 : Mr.D.Srinivasaragavan



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Crl.O.P.(MD)No.16143 of 2022



ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Theni, in Crl.R.P.No.26 of 2021 dated 27.07.2022, confirming the order dated 16.08.2021 passed in M.C.No.35 of 2015 on the file of the learned Judicial Magistrate, Bodinayakanur.

2. The learned counsel appearing for the petitioner submits that there was a matrimonial dispute between the petitioner and the first respondent and they are living separately and they were blessed with one male child. While so, the first respondent has filed a maintenance case in M.C.No.35 of 2015 before the learned Judicial Magistrate, Bodinayakanur, however, the trial Court, without considering the factual aspects, has allowed the petition filed by the first respondent by fixing the maintenance amount of Rs.15,000/- per month in respect of the first respondent and Rs.25,000/- per month in respect of the second respondent. Aggrieved over the same, the petitioner has filed a Criminal Revision Petition before the learned Principal District and Sessions Judge, Theni in Crl.R.P.No.26 of 2021, however, the trial Court, without verifying the facts, has dismissed the petition filed by the petitioner. The



petitioner, having no other alternative remedy except to file this petition, has approached this Court.

3. The learned counsel appearing for the petitioner further submits that the petitioner is ready to pay a sum of Rs.25,000/- in respect of the second respondent, who is the son of the petitioner, however, in respect of the first respondent, she is working in IT Company and is having sufficient means for her livelihood and therefore, this Court may reduce the maintenance amount fixed in respect of the first respondent.

4. The learned counsel appearing for the respondents would submit that the petitioner is working in USA and is earning more than Rs.1,00,000/- and though the first respondent is working in IT Company, she is earning very meagre amount which is not sufficient to run the family and after considering all these facts, the trial Court has rightly fixed the maintenance amount of Rs.15,000/- in respect of the first respondent and Rs.25,000/- in respect of the second respondent.

5. It appears that the first respondent/wife has filed a maintenance petition in M.C.No.35 of 2015 before the learned Judicial Magistrate, Bodinayakanur, claiming monthly maintenance and the trial Court has



ordered the maintenance amount of Rs.15,000/- per month in respect of the first respondent and Rs.25,000/- per month in respect of the second respondent, against which, the petitioner has filed a petition in Crl.R.P.No.26 of 2021 before the learned Principal District and Sessions Judge, Theni and the Appellate Court has dismissed the petition filed by the petitioner, aggrieved by which, the petitioner has approached this Court by way of this petition. Though the petitioner claims that the first respondent is working in IT Company and is having sufficient means for her livelihood, whereas, the first respondent claims that she is earning very meagre amount which is not sufficient to run the family. After considering all these factual aspects, the trial Court has rightly fixed the maintenance amount of Rs.15,000/- in respect of the first respondent and Rs.25,000/- in respect of the second respondent, who is the son of the petitioner, which does not warrant any interference by this Court. Hence, this Court is not inclined to interfere with the order passed by the learned Principal District and Sessions Judge, Theni, in Crl.R.P.No.26 of 2021 dated 27.07.2022 confirming the order dated 16.08.2021 passed in M.C.No.35 of 2015 by the learned Judicial Magistrate, Bodinayakanur. Liberty is granted to the first respondent to file a petition for enhancement of the maintenance amount, if need arises in future, in respect of her son.



Crl.O.P.(MD)No.16143 of 2022

WEB COPY

6. Accordingly, this Criminal Original Petition is dismissed.

Connected miscellaneous petition is closed.

25.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The learned Principal District and Sessions Judge, Theni.
- 2.The learned Judicial Magistrate, Bodinayakanur



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Crl.O.P.(MD)No.16143 of 2022

M.DHANDAPANI. J.

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Crl.O.P.(MD)No.16143 of 2022

25.03.2024