



CrI.O.P.(MD)No.22138 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.22138 of 2022

and

CrI.M.P.(MD)No.15622 of 2022

Shanmugasundaram

... Petitioner

Vs.

Avudaiyammal

... Respondent

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records relating to the judgment dated 05.04.2022 passed in CrI.R.C.No.15 of 2019 on the file of the Principal District Court, Thoothukudi, confirming the judgment dated 07.04.2017 passed in M.C.No.59 of 2013, on the file of the Chief Judicial Magistrate, Thoothukudi and set aside the same.

For Petitioner : Mr.K.Guhan

For Respondent : Mr.Ka.Ramakrishnan

ORDER

The Criminal Original Petition has been filed to quash the judgment dated 05.04.2022 passed in CrI.R.C.No.15 of 2019 on the file of the Principal District



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Court, Thoothukudi, confirming the judgment dated 07.04.2017 passed in M.C.No.59 of 2013, on the file of the Chief Judicial Magistrate, Thoothukudi.

2.The case of the petitioner is that he is the husband of the respondent. The respondent claims that she is the legally wedded wife and the marriage between the petitioner and the respondent was solemnized on 03.04.1987 at Karunkulam Venkatachalapathy Thirukovil. After marriage, the petitioner and his family members harassed the respondent for demanding dowry and the petitioner also failed to maintain the respondent. Thereby, the respondent filed a maintenance case under Section 125 of Cr.P.C., before the learned Chief Judicial Magistrate, Thoothukudi, in M.C.No.59 of 2013 claiming Rs.10,000/- as maintenance. However, the trial Court, after adjudication, awarded only Rs.4,000/-. Against which, the petitioner preferred a revision before the Principal District Court, Thoothukudi in Crl.R.C.No.15 of 2019 and the learned Principal District Judge also dismissed the revision on 05.04.2022 and confirming the order passed by the trial Court. Challenging the same, the present petition is filed.



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3.The learned counsel for the petitioner would submit that the respondent did not prove the marriage between the petitioner and the respondent, which was allegedly performed in the year 1987. However, the maintenance case was filed only in 2013 after a lapse of 25 years and the said issue was not properly adjudicated by the trial Court and the trial Court has passed mechanical order against the petitioner. Hence, he prayed for allowing this petition.

4.The learned counsel for the respondent would submit that the respondent established all those details before the trial Court. Thereby, the trial Court arrived at a conclusion and awarded Rs.4,000/- to the respondent. Hence, he prayed for dismissal of this petition.

5.Heard the learned counsel on either side.

6.In order to prove the marriage between the petitioner and the respondent, lot of documents were produced before the trial Court, i.e., Family Card, exchange of notice, photos and the police complaint. Upon perusal of the entire documents, the trial Court arrived at a conclusion that there was a marriage between the petitioner and the respondent, for which, the petitioner



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has necessarily to give maintenance to the respondent. Now the issue arises before this Court as to whether the maintenance awarded by the trial Court is right or not. In the present case, the respondent claimed Rs.10,000/- as maintenance, whereas the trial Court awarded only Rs.4,000/-. However, considering the present cost of living, the maintenance awarded by the trial Court is just and reasonable.

7.In view of the above, the prayer sought for by the petitioner cannot be granted by this Court. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

04.03.2024

To

1.The Principal District Court, Thoothukudi.

2.The Chief Judicial Magistrate, Thoothukudi.



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M.DHANDAPANI, J.

Sji

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