



CRL.OP(MD). No.17268 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.17268 of 2023

and

CRL.MP(MD). No.13696 of 2023

S.Karuppasamy

... Petitioner

Vs.

M.Santhanalakshmi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Principal District Court, Theni in CrI.R.P.No.10 of 2022 dated 20.07.2022 confirming the order passed by the learned Judicial Magistrate Court, Uthamapalayam in M.C.No.24 of 2015 dated 08.09.2021.

For Petitioner : Mr.C.Saravanakumar

For Respondent : NA



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ORDER

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This petition has been filed challenging the order passed by the learned Principal District Judge, Theni in Crl.R.P.No.10 of 2022 dated 20.07.2022 confirming the order passed by the learned Judicial Magistrate, Uthamapalayam in M.C.No.24 of 2015 dated 08.09.2021.

2. Heard the learned counsel for the petitioner. The respondent has been served with notice and the name of the respondent has also been printed in the cause list and there is no appearance either in person or through counsel.

3. On carefully considering the materials placed before this Court and the submissions made by the learned counsel for the petitioner, it is seen that the Court below has fixed a very reasonable maintenance amount of Rs.6,000/- payable by the petitioner to the respondent every month. There are only two issues that were raised by the learned counsel for the petitioner. The first issue is that the respondent is having a share in a property and that the same was not taken into consideration by the Court and that apart, the petitioner is willing to co-operate for the



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disposal of the property so that one time settlement can be made in favour of the respondent. The learned counsel further submitted that the petitioner filed a divorce petition in H.M.O.P. No. 26 of 2013 and in that petition, the respondent filed I.A.No. 75 of 2018 seeking for interim maintenance and interim maintenance was also ordered by order dated 18.09.2019 and an interim maintenance of Rs.5,000/- was fixed and an arrears a sum of Rs.87,000/- was directed to be paid by the petitioner for the period from 19.06.2018 to 18.11.2019. The learned counsel submitted that since this amount was also paid by the petitioner, the same has to be given credit and the petitioner should not be made to pay the maintenance in both the cases.

4. Taking into account the submission of the learned counsel for the petitioner, it is left open to the petitioner to file a modification petition before the Court below seeking for the modification of the maintenance amount fixed. The petitioner while filing the modification petition can also give an undertaking before the Court that he is willing to co-operate for the disposal of the property in which the respondent has a share. The petitioner can also bring to the notice of the Court the



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maintenance that was paid by the petitioner in the H.M.O.P. proceedings.

Except giving this liberty, no further orders can be passed in this petition.

5. This criminal original petition is disposed of in the above terms.

It is made clear that the petitioner will continue to pay the maintenance amount fixed in this case till the maintenance amount is modified.

Consequently, the connected miscellaneous petition is closed.

05.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

WEB COPY

1. The Principal District Court,
Theni.
2. The Judicial Magistrate Court,
Uthamapalayam.



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N.ANAND VENKATESH,J.

pal

Order made in
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05.12.2024