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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.21398 of 2023
and
Crl.M.P(MD)No.16752 of 2023

Selvakumar

... Petitioner

Vs

1. Bhuvaneswari

2. Minor Sri.Naveenkumar

3. Minor.Sivani

... Respondents

***(The 2nd and 3rd Minor Respondents
Represented to Their Mother and
Next guardian i.e., first respondent Bhuvaneswari)***

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the entire records pertaining to the order made by the Additional District and Sessions Judge (FTC) Tenkasi in Crl.R.C No.61/2022 dated 24.03.2023 which confirming the order dated 02.11.2022 in M.C.No.14 of 2021 passed by the Judicial Magistrate, Tenkasi and set aside the same.



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For Petitioner : Mr.T.Indrachithu,

For Respondents :Mr.C.Saravana Kumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed challenging the order passed by the learned Additional District and Sessions Judge (FTC), Tenkasi in Crl.R.C.No.61 of 2022 dated 24.03.2023, confirming the order passed by the Judicial Magistrate, Tenkasi in M.C. 14 of 2021, dated 02.11.2022.

2.Heard the learned Counsel appearing on either side.

3.The respondents who are the wife and children of the petitioner filed maintenance case against the petitioner under Section 125 of Cr.P.C. The trial Court on considering the facts and circumstances of the case and on appreciation of evidence fixed a sum of Rs.6,000/- payable to the first respondent every month and a sum of Rs.8,000/- to each of the children, who are the second and third respondents herein. This order was confirmed



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in the revision. Aggrieved by the same, the present petition has been filed before this Court.

4.In the considered view of this Court, the petition filed under Section 482 Cr.P.C cannot be treated as a second revision since it is barred under Section 397(2) of Cr.P.C. This Court does not find any illegality in the order passed by both the Courts below and the maintenance that has been fixed is very reasonable. It is further brought to the notice of this Court that the petitioner has not chosen to pay any maintenance to the respondents in spite of the order passed by the Court below and therefore, there is lack of genuineness on the part of the petitioner.

5.In view of the above, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

18.12.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR



To

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1. The Additional District and Sessions Judge (FTC),
Tenkasi.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

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