



Crl.R.C.Nos.912 and 1426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 10.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos.912 and 1426 of 2023

and

Crl.M.P.No.7498 of 2023

--

Mr.John Kennedy

.. Petitioner in Crl.R.C.No.912 of 2023

Janaki @ Nancy Janaki

.. Petitioner in Crl.R.C.No.1426 of 2023

Vs.

Janaki @ Nancy Janaki

.. Respondent in Crl.R.C.No.912 of 2023

John Kennedy

.. Respondent in Crl.R.C.No.1426 of 2023

Crl.R.C.No.912 of 2023 is filed under Sections 397 and 401 of Cr.P.C. against the fair order dated 15.10.2022 made in M.P.No.1237 of 2018 in M.C.No.165 of 2005 on the file of the Vth Additional Principal Family Court, Chennai, directing the petitioner to pay a sum of Rs.6,000/- per month to the respondent herein towards maintenance from the date of the present petition.

Crl.R.C.No.1426 of 2023 is filed under Section 397 read with Section 401 of Cr.P.C., against the order dated 15.10.2022 passed in M.P.No.1237 of 2018 in M.C.No.165 of 2005 by the Vth Additional Principal Judge, Family Court, Chennai.

Page No.1/5



Crl.R.C.Nos.912 and 1426 of 2023

WEB COPY

For petitioner in Crl.R.C.No.912 of 2023 : No appearance

For respondent in Crl.R.C.No.912 of 2023: Mr.G.Viswanathar for Mr.R.Kamaraj

For petitioner in Crl.R.C.No.1426 of 2023: Mr.G.Viswanathar for Mr.R.Kamaraj

For respondent in Crl.R.C.No.1426 of 2023: No appearance

COMMON ORDER

The husband has filed Crl.R.C.No.912 of 2023 seeking to quash the order dated 15.10.2022 made in M.P.No.1237 of 2018 in M.C.No.165 of 2005 on the file of the Vth Additional Principal Family Court, Chennai and the wife has filed Crl.R.C.No.1426 of 2023 seeking for enhancement of the maintenance under Section 127 Cr.P.C., awarded by the Family Court.

2. The wife as well as the husband, had kept quiet all along and had not filed a petition either seeking to enhance or to reduce the maintenance at the earliest point of time.

3. From the impugned order dated 15.10.2022, it is clear that the Family Court had considered the cost of living before awarding the maintenance amount.

Page No.2/5



Crl.R.C.Nos.912 and 1426 of 2023

WEB COPY

4. From the records, it is clear that the wife is having sufficient means to maintain herself and the allegation that the husband is earning more, is not borne out by any records, and hence, the wife prayed that the impugned order of interim maintenance, may be enhanced.

5. The husband has not produced any materials to show that he is having business and also property, out of which, he is earning sufficient and more money and hence, the husband is liable to pay the maintenance more and seeks for setting aside the maintenance as awarded by the Family Court to the wife.

6. On a reading of the materials available on record and considering the facts and circumstances of the case and also taking into account the cost of living index and the economic condition of both the parties, the Family Court rightly awarded the interim maintenance, as there is no material to show that the husband is earning more money in the business.

7. The Family Court had rightly taken into account the rise in cost of living and also taking into account the price index, the Family Court had ultimately awarded the maintenance amount, with which, this Court does not find any

Page No.3/5



Crl.R.C.Nos.912 and 1426 of 2023

reason to interfere with the same, as the same is just and fair and hence, impugned order passed by the Family Court is hereby confirmed. Hence, these Criminal Revision Petitions are dismissed. There shall be no order as to costs in these revision petitions. The connected miscellaneous petition is closed.

10.03.2025

CS

To

1. The First Additional Principal Judge, Family Court, Chennai.
2. The Section Officer, Criminal Section, High Court, Madras.

Page No.4/5



WEB COPY



Crl.R.C.Nos.912 and 1426 of 2023

P.VELMURUGAN, J

CS

Crl.R.C.Nos.912 and 1426 of 2023

10.03.2025

Page No.5/5