



Crl.R.C.No.480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 480 of 2024

and

Crl.M.P.No.4574 of 2024

V.Govindarajalu

... Petitioner

..VS..

P.Prabavathy

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 20.10.2023 passed in M.C.No.146 of 2022 on the file of the Additional Principal Family Court, Coimbatore.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.C.Veeraraghavan

ORDER

Challenging the order dated 20.10.2023 passed in M.C.No.146 of 2022 on the file of the Additional Principal Family Court, Coimbatore, the present revision petition has been filed by the petitioner-husband.

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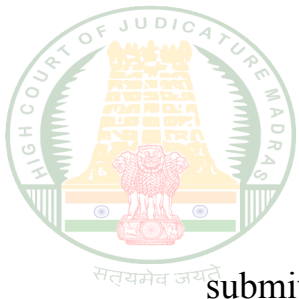


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2. The petitioner herein is the husband and respondent is wife. The respondent-wife filed a maintenance case in M.C.No.146 of 2022 under Section 125 Cr.P.C., seeking maintenance of Rs.50,000/- from the petitioner-husband. The learned Additional Principal Judge, Coimbatore, after hearing both the parties, *vide* order dated 20.10.2023 directed the petitioner-husband to pay a sum of Rs.10,000/- as monthly maintenance to respondent-wife and also directed the petitioner-husband to pay the arrears of maintenance within a period of two months. Assailing the said order, the present revision petition is filed by the petitioner-husband.

3. Learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 02.02.2009. After their marriage, the respondent-wife stayed with the petitioner-husband for hardly 10 months. Subsequently, during the year 2009, the respondent-wife voluntarily deserted the petitioner-husband without any valid reason and living separately for more than 13 years. Thereafter, she filed the maintenance case in the year 2022. He further



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submitted that the respondent-wife is a Diploma Holder and working in a private Company and earning sufficient income and hence, she is able to maintain herself. He further submitted that as per Section 125(4) Cr.P.C., without any sufficient reason, if the wife refuses to live with her husband, or if they are living separately by mutual consent, she is not entitled to get maintenance from her husband. However, the learned Additional Principal Judge, failed to consider the above facts and also Section 125(4) Cr.P.C., and ordered a sum of Rs.10,000/- per month as maintenance to the respondent-wife, which warrants interference by this Court.

4. Learned counsel appearing for the respondent submitted that there is no material to show that respondent-wife had voluntarily deserted the matrimonial home and they are living separately for more than 13 years. The petitioner-husband only chased the respondent-wife out of matrimonial home on 13.11.2020 and even thereafter the respondent-wife went to the petitioner's house when his mother died on 19.12.2020 and performed her duties in connection with the last rites of



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the petitioner's mother and she was immediately sent out of the home by the petitioner and his sister. He further submitted that the petitioner-husband is earning up to Rs.1,00,000/- per month as salary, apart from that he is having own house. Further, the petitioner-husband himself admitted before the Court below that he is having business under the name and style of Shri Vaari Agencies at Chinniampalayam, Coimbatore and earning a sum of Rs.3.5 lakhs per annum for which he is paying tax by way of filing annual returns. He further submitted that the learned Additional Principal Judge, ordered only a sum of Rs.10,000/- per month as maintenance, which is very meagre.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the marital status of the parties is not disputed. The only dispute is that, according to the petitioner-husband, the respondent-wife voluntarily deserted the petitioner-husband without any valid reason and they are living separately for more than 13 years and hence, she is not entitled to get maintenance.



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7. On a perusal of the entire materials and also order of the Court below, it is seen that neither the petitioner-husband nor the respondent-wife moved the Family Court / Civil Court for dissolving their marriage or for restitution of conjugal rights. The respondent-wife herself admitted during the cross examination that she had lodged a complaint to the Police against the petitioner-husband for return of her jewels and after enquiry, the respondent had taken her jewels and other belongings on 10.01.2021 from the house of the petitioner. Therefore, the Court below found that there was no material to show that the respondent-wife voluntarily deserted the matrimonial home without any valid reason and they are living separately for the past 13 years and hence, the respondent-wife is entitled for maintenance. Further, petitioner-husband himself admitted that he is earning Rs.3.5 lakhs per annum, but he has not produced any document to prove that the respondent-wife is presently working and getting sufficient income to maintain herself and that the Court below ordered a sum of Rs.10,000/- as monthly maintenance to the respondent-wife.



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8. Considering the fact and circumstances and also considering the cost of living and price index, this Court is of the view that the maintenance amount i.e., Rs.10,000/- per month ordered by the Court below is very meagre, however, the respondent-wife has not filed any petition for enhancement of maintenance. In such circumstances, this Court does not find any perversity or infirmity in the order of the Court below. There being no merit in this revision petition, the same is accordingly dismissed. Consequently, connected miscellaneous petition is closed.

25.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.

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P.VELMURUGAN, J.

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