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CRL RC No. 848 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-03-2025**

CORAM

**THE HONOURABLE MR JUSTICE P. VELMURUGAN**

**CRL RC No. 848 of 2023**

**and**

**CRL MP No.6524 of 2023**

1. D.Murali

S/o. Dharmasekaran,

Door No.71/31, Thimmarayan Street,  
New pet, Krishnagiri Town, Taluk and  
District.

Petitioner(s)

Vs

1. Gopika Mamta Devi

D/o. Lakshmi Narayana Achari, Door  
No.12, Ayyappasamy Provison Stores,  
7th Cross street, Sagambari Nagar, J.P.  
Nagar first Floor, Bangalore City,  
Karnataka 560078

Respondent(s)

**PRAYER:** This Petition filed under Section 397 read with 401 of Cr.P.C to set  
aside the order dated 29.12.2022 made in MC.No.11/2020 on the file of the

Family Court, Krishnagiri.



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For Petitioner(s): M/s.T.S.Baskaran

For Respondent(s): No Appearance

### **ORDER**

This Criminal Revision Petition has been filed to aside the order dated 29.12.2022 passed in MC.No.11/2020 on the file of the Family Court, Krishnagiri.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Despite service of notice and name being printed in the cause list, there is no representation for the respondent. Since the revision is pending from 2023, this Court is inclined to take up the matter and perused the materials available on record.

3. There is no dispute regarding the relationship between the parties. The respondent/wife filed a petition under Section 125 Cr.P.C., in M.C.No.11 of 2020 before the Family Court, Krishnagiri seeking maintenance. The Family Court, on 29.12.2022, ordered Rs.6,000/- as monthly maintenance. Aggrieved



by the same, the petitioner/husband has filed this criminal revision petition. The

petitioner/husband has also filed a petition in Original Petition No.79 of 2019

on the file of the Family Court, Krishnagiri. The Family Court, Krishnagiri

granted divorce to the petitioner *vide* order dated 29.12.2022.

4. On a perusal of the records, it is seen that the allegation against the respondent/wife is serious in nature. The respondent was convicted for the offences under Sections 120(B), 302 read with 34 & 114, 201 read with 302 IPC in S.C.No.30 of 2019 on the file of the Additional Sessions Court, Krishnagiri. However, pending appeal, she is enjoying the benefit of suspension of sentence granted by the court.

5. Since the respondent/wife is leading adulterous life, the petitioner/husband had filed a petition in Original Petition No.79 of 2019 seeking divorce before the Family Court, Krishnagiri and the same was allowed by the learned Judge, Family Court, accepting the grounds taken by the petitioner on the ground of adultery life of the respondent. Section 125(4) of



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CrP.C clearly states that adultery wife is not entitled for maintenance from her husband. Though the learned Judge, Family Court accepted the grounds taken by the petitioner in the divorce petition and granted divorce to the petitioner, granted maintenance to the respondent/wife *vide* impugned order dated 29.12.2022 in M.C.No.11 of 2020. The findings of the Judge, Family Court regarding order of maintenance is perverse. Hence, the impugned order passed by the learned Judge, Family Court, Krishnagiri is set aside.

6. In view of the same, this Criminal Revision Petition is allowed.

Consequently, connected miscellaneous petition is closed.

**10-03-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To  
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The Judge, Family Court, Krishnagiri.



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**P.VELMURUGAN J**

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