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Crl.O.P.No.4737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4737 of 2024
& Crl.M.P.No.3468 of 2024

B.Mohan, 64yrs,
S/o.late R.Bellie,
15/148, Kasollai Village,
Balacola Post,
The Nilgris-643201.

... Petitioner

/versus/

Malini, 62yrs,
D/o.Mathan,
Kasollai Village,
Balacola Post,
The Nilgris-643201.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleased to set aside the order dated 20.10.2023 passed vide Crl.RC.1/2021 by
Chairman/District Judge, permanent Lok Adalat (FAC) Sessions Judge, Magalir
Neethimandram, Udthagamandalam, Nilgiris confirming the order dated
29.3.2021 passed vide M.C.No.5/2017 (Unique I.D.No.0100005/2017) on the
file of the Judicial Magistrate Coonoor.

For Petitioner : Mr.T.R.Sivaraj



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ORDER

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This petition has been filed to set aside the order dated 20.10.2023 passed *vide* Crl.RC.1/2021 by Chairman/District Judge, permanent Lok Adalat (FAC) Sessions Judge, Magalir Neethimandram, Udthagamandalam, Nilgiris confirming the order dated 29.3.2021 passed *vide* M.C.No.5/2017 (Unique I.D.No.0100005/2017) on the file of the Judicial Magistrate Coonoor and thereby, ordered to pay Rs.5000/- as monthly maintenance in favour of the respondent herein.

2. The learned counsel for the petitioner submits that the marriage between the petitioner and the respondent has not been proven and they lived together for only three months. He further submits that after 30 years, the respondent filed a petition seeking maintenance. Admittedly, the petitioner and the respondent lived together for some time. However, whether the marriage between the petitioner and the respondent is valid or not remains unclear. That apart, the wife can file for maintenance at any time during her lifetime. Whenever the wife is unable to maintain herself, she can file for maintenance against the husband.



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3. Both the Courts below have held that the petitioner is the husband of the respondent and as such, the petitioner, being the husband, is duty-bound to maintain his wife.

4. Therefore, this Court finds no illegality or infirmity in the order passed by the Courts below.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

05.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

To,

1. The Chairman/District Judge, permanent Lok Adalat (FAC)
Sessions Judge, Magalir Neethimandram, Udhagamandalam, Nilgiris
2. The Judicial Magistrate, Coonoor.



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G.K.ILANTHIRAIYAN, J.

bsm

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