



Crl.R.C.No.1698 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 1698 of 2024

and

Crl.M.P.No.14004 of 2024

E.Krishnamurthi

... Petitioner

..VS..

S.Thilagavathi

... Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C.,
to set aside the order dated 08.08.2023 passed in M.C.No.30 of 2021 on
the file of the Family Court, Erode.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.V.Balamurugan

ORDER

This Criminal Revision Petition has been preferred against the
order dated 08.08.2023 made in M.C.No.30 of 2021 on the file of the
Family Court, Erode.

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2. It is seen that the petitioner is husband and the respondent is wife. Due to some misunderstanding between the petitioner and respondent, they got separated. The respondent-wife filed a petition in F.C.O.P.No.99 of 2018 on the file of the Family Court, Erode, seeking dissolution of marriage. Pending F.C.O.P petition, the respondent-wife filed a petition invoking Section 125 Cr.P.C., in M.C.No.30 of 2021, seeking a sum of Rs.30,000/- per month as maintenance. The learned Judge, after hearing the submissions of both sides, *vide* order dated 08.08.2023, partly allowed the maintenance case and directed the petitioner-husband to pay a sum of Rs.5,000/- per month as maintenance to the respondent-wife. Challenging the said order, the present revision petition is filed by the petitioner-husband.

3. The contention of the petitioner-husband is that the respondent-wife deserted the matrimonial home on her own volition and filed a divorce petition in F.C.O.P.No.99 of 2018 on the ground of mental cruelty, but the same was resisted by the petitioner-husband. While that being so, the respondent-wife filed maintenance case in M.C.No.30 of



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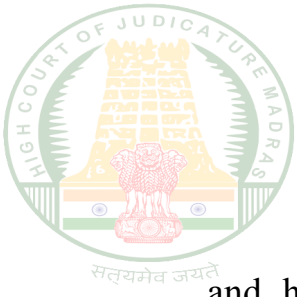
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2021. The learned Judge, granted divorce and on the same day, directed the petitioner to pay a sum of Rs.5,000/- as monthly maintenance to the respondent-wife. The divorce is primarily on the ground of mental cruelty and desertion by the respondent-wife and in such circumstances, the payment of maintenance would not arise in this case.

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

5. Admittedly, the relationship between the parties is not in dispute and both are living separately. In maintenance case, though the petitioner-husband has not proved the income of the respondent-wife, the learned Judge, considering the relationship between the parties and also considering the income of the petitioner, ordered a sum of Rs.5,000/- per month as maintenance to the respondent-wife.

6. No doubt, a husband has a legal and moral duty to maintain his wife and children, even if the wife refuses to live with him or if he has no income. He cannot shirk his responsibilities of maintaining his wife saying that she voluntarily deserted the husband. On a perusal of the entire records, it is seen that the petitioner-husband is a man of means



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and having sufficient means to maintain himself and also his wife.

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Further, the learned Judge has awarded a sum of Rs.5,000/- per month as maintenance to the respondent-wife, which is a very meagre amount and hence, this Court does not find any perversity or infirmity in the impugned order passed by the Court below. As there is no merit in this revision petition, the same is liable to be dismissed. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

27.03.2025

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

To
The Judge,
Family Court, Erode.



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P.VELMURUGAN, J.

ms

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