

Crl.R.C.No.1486 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1486 of 2024
and
Crl.M.P.Nos.18288 & 17238 of 2024

... Petitioner

R.Chandhanu

Vs

1. Sharmila Palani

2. Sanjushree A.K.A. Shivani

... Respondents

PRAYER:

Criminal Revision Petition filed under Section 397 read with Section 401 of Cr.P.C., against the order dated 07.02.2024 passed in M.C.No.240 of 2021 on the file of the II Additional Judge, Family Court, Chennai.

For Petitioner : Mr.M.Aravindan

For Respondents : Ms.Priya Annie Zachariah



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ORDER

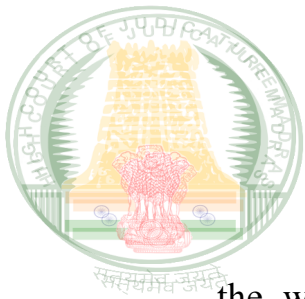
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This Criminal Revision Petition has been filed challenging the order dated 07.02.2024 passed in M.C.No.240 of 2021 on the file of the II Additional Judge, Family Court, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. The respondents have filed the petition under Section 125 Cr.P.C., in M.C.No.240 of 2021 on the file of the learned II Additional Judge, Family Court, Chennai, seeking monthly maintenance from the petitioner/husband herein. The learned Judge, Family Court, vide impugned order dated 07.02.2024, directed the petitioner herein to pay sum of Rs.10,000/- to the first respondent/wife and Rs.15,000/- to the second respondent/child towards monthly maintenance from the date of filing of the petition ie., 14.06.2021. Aggrieved by the same, the petitioner/husband has filed this Criminal Revision Petition.

4. The scope and object of the 125 Cr.P.C is very clear that



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the wife who is unable to maintain herself, is entitled to get maintenance from the husband. In this case, admittedly, the first respondent/wife is a highly qualified person. Further, she has not filed any document to show that she is unable to maintain herself. The petitioner herein and the first respondent had already been granted divorce by order dated 16.05.2022 in HMOP No.2632 of 2021 filed by the first respondent.

5. The learned Judge, Family Court, without appreciating the scope and object of 125 Cr.P.C., vide impugned order, granted maintenance to the respondents. At the time of filing the maintenance petition, the first respondent was carrying the child and hence the first respondent is entitled for maintenance only for one year from the date of filing of that petition. Subsequently, she is not entitled to get any maintenance from the petitioner herein, since she is a double degree holder and highly educated who is able to maintain herself. Since the petitioner/husband is an earning member and as per Assets and Liabilities statement, his net income is Rs.47,000/-, and he is liable to maintain the infant/child. Hence, the first respondent/wife is entitled to



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get maintenance for the period of one year only from the date of the petition. The second respondent/child is entitled to get maintenance as ordered by the learned Judge, Family Court.

6. With the abovesaid modification, this Criminal Revision Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

07.04.2025

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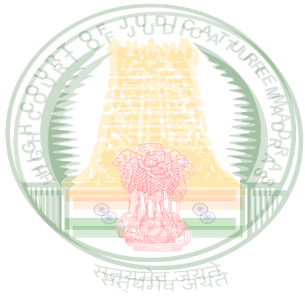
Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The II Additional Judge, Family Court, Chennai.



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P.VELMURUGAN, J.

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