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Crl.R.C.No.1455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2025

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.1455 of 2023 &
Crl.M.P.No.12772 of 2023

P.Kalidass

... Petitioner

Vs.

G.Singaravell

...Respondent

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the Order dated 25.05.2023 made in C.M.P.No.4930 of 2022 in M.C.No.04 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Vazhapadi.

For Petitioner : Mr. K.A.Ravindran

For Respondent : Mrs.A.Nethra

ORDER

The present Revision has been preferred against the order made in C.M.P.No.4930 of 2022 in M.C.No.04 of 2018 dated 25.05.2023 wherein the trial court dismissed the petition filed by the petitioner, viz., to reject the maintenance case under Section 125(4) of Cr.P.C.,

2. The petitioner is the husband and the respondent is the wife and



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their marriage was solemnized in the year 1992 and out of their wedlock, a male child was born. However, thereafter, the respondent got separated from the petitioner and living separately. Though the petitioner filed an application for Restitution of Conjugal Rights and the same was decreed, the respondent failed to join the petitioner. When the respondent filed an application to set aside the ex parte decree of Restitution of Conjugal Rights, the petitioner withdrew the application for Restitution Conjugal Rights and filed a petition for divorce on the ground of cruelty and desertion in H.M.O.P.No.46 of 2013 on the file of learned 1st Additional Sub Judge, Salem. The said divorce petition was allowed in favour of the petitioner by Judgment and Decree dated 04.02.2021. Aggrieved by the same, the respondent preferred an appeal with a delay of 618 days in I.A.No.1 of 2023 in Unnumbered C.M.A. /2023 before the learned Principal District Judge, Salem and the said court by order dated 12.12.2023 without being satisfied with the reasons stated in the affidavit filed in support of the condone delay petition and the contentions, dismissed the petition.

3. While pending divorce petition filed by the petitioner, viz., H.M.O.P.No.46 of 2013, the respondent filed an application seeking maintenance in M.C.No.4 of 2018 after a period of four years. The



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petitioner filed an application in C.M.P.No.4930 of 2022 in M.C.No.4 of 2018 to reject the maintenance petition on the ground that already the divorce was granted in favour of the petitioner on the ground of desertion. Therefore, without any reason when the wife deserted her husband she is not entitled for any maintenance and filed application to reject the maintenance application under Section 125(4) Cr.P.C., and the same was dismissed on the ground that whether the respondent willfully deserted the petitioner or not to be decided by letting in evidence. Accordingly, the trial Court rightly rejected the petition filed by the petitioner and this Court is not inclined to interfere with the order passed by the trial court.

4. At this stage, it is brought to the notice of this Court that trial had commenced and the respondent was examined as P.W.1 and it is posted for the evidence of the petitioner. Therefore, this Court is inclined to direct the trial court to conduct the trial and dispose of the maintenance case filed by the respondent by considering the grounds raised by the petitioner on merits and in accordance with law within a period of three months from the date of receipt of copy of an order.

In view of the above, the present Criminal Revision is dismissed with



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the above said direction. Consequently, connected miscellaneous petition
is closed.

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Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking order
ssd

To

1. The District Munsif cum Judicial Magistrate,
Vazhapadi.
2. The Public Prosecutor,
High Court, Madras

G.K.ILANTHIRAIYAN, J.,

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