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CrI.R.C.No.1396 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1396 of 2024
and
CrI.M.P.No.11798 of 2024

R.Singaravelan, S/o R.Rajangam

.. Petitioner

Vs.

Mrs.S.Vanajatchi, W/o R.Singaravelan

.. Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. praying to call for the records pertaining to the Maintenance Order dated 18.04.2024 passed in the above M.C.No.248 of 2021 on the file of the Vth Additional Family Court, Chennai and set aside the same.

For petitioner : Mr.S.Umapathy

For respondent: Mr.S.Anbzhagan

ORDER

This Criminal Revision Petition is filed against the order dated 08.08.2017 made in I.A.No.485 of 2017 in O.P.No.3418 of 2012 on the file of the Vth Additional Principal Judge, Family Court, Chennai.

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2. The respondent/wife has earlier filed M.C.No.248 of 2021 stating as

under:

(a) The marriage between the respondent and the revision petitioner was solemnised on 26.10.1990 at Chennai as per the Hindu rituals, rites and customs. The marriage alliance is arranged one and after marriage, the petitioner and the respondent started their matrimonial life at the residence of the petitioner at Chennai. Out of their wed-lock, they have two children, i.e. daughters, namely R.Saranya, born on 16.11.1991 and S.Nadhiya, born on 09.03.1999. The elder daughter got married on 15.09.2013 and the younger daughter is pursuing Law Degree. The petitioner was leading a good family life with wife and daughters, but after having illicit relationship with Mrs.Jayakavitha, aged about 39 years, who is believed to have criminal records, the revision petitioner started behaving rudely with the respondent and daughters and the revision petitioner was harassed with frequent verbal quarrels and physical abuse.

(b) The petitioner deserted the respondent's family and filed a divorce petition before the Vth Additional Family Court in O.P.No.3418 of 2012 and it was dismissed for default, vide order dated 13.12.2019. Thereafter, the respondent filed interlocutory petition in I.A.No.485 of 2017 for payment of monthly maintenance of Rs.7,000/- from the date 22.02.2017 and the even that maintenance ordered by the Court was not paid promptly and regularly by the



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petitioner to the respondent.

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(c) There was no respect given to the respondent and she was always dominated by the petitioner and was also treated as a house-maid. The elder daughter S.Saranya got married on 15.09.2013 despite the respondent's efforts and family members, the revision petitioner had not lent any financial support towards the marriage and neither attended the wedding to perform the duty of legitimate father. The expenses of the wedding were borne by the respondent himself, for which, the respondent ran into enormous debt and the respondent was often threatened by the petitioner under the instigation of the so-called illicit partner - Mrs.Jayakavitha and the petitioner would take away all the money and will be forced to beg for day-to-day expenses for the respondent and the children.

(d) The revision petitioner, with a crooked mind and in fantasy world, had falsely stated his name as husband in the official records of his illicit relationship partner - Jayakavitha with the Aadhar number and sale deed.

(e) The respondent preferred a Police complaint against Jayakavitha in F.4 Thousand Lights on 06.06.2011, vide CSR.No197/CSR/F4/2011 on 06.06.2011 and for the said complaint, the revision petitioner threatened and harassed the respondent with dire consequences for complaining against Jayakavitha regarding the illicit relationship that the petitioner had with her. Since the

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revision petitioner is a Police-man in Sub-Inspector of Police cadre, the petitioner had influenced and put pressure on the concerned Police Station and that the action of the respondent's complaint is stand-still.

(f) The revision petitioner never spent any time with the respondent or with the children and he never bought any clothes for the festival or anniversary and never took care of the respondent and her daughters on their daily needs and the petitioner was in cloud-nine with the illicit relationship with the partner and thereby deserting the respondent and her daughters.

(g) The revision petitioner never took care of the children and it is only the respondent who is taking care of the daughters, including their educational expenses, taking them to hospital/clinics when they were unwell, etc. The revision petitioner never took up any responsibility over the children and always stated that he was working. The children were often beaten by the mother-in-law for their childish behaviour all though it was done innocently.

(h) The entire income was in the hands of the revision petitioner. The revision petitioner works as Sub-Inspector of Police in the Tamil Nadu Police Department, and most of the income was used towards illicit partner - Jayakavitha, whereas, no money was given to the respondent to fulfil the basic needs of the children. The revision petitioner has always been coerced with illicit partner and never provided any basic needs to the respondent and the children.



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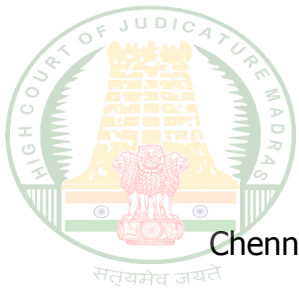
(i) The respondent believes in the institution of marriage and in the theory

that the ideal house for a woman is to be with her husband and hence, took all efforts to connect with the revision petitioner. All the efforts taken by the respondent went in vain. The respondent has forgiven all the activities of the petitioner and in-laws, considering the future of the daughters and the family is ready to live with the petitioner peacefully.

(j) The respondent and the daughters are living separately away from the revision petitioner and cannot afford day-to-day expenses such as education, food, medical and all amenities to the children. The cost of living is very high and all the expenses including the education and medical fee are borne by the respondent alone. The revision petitioner is leading a luxurious life along with his illicit partner - Jayakavitha, which is illegal and does not provide a single penny to the respondent for maintenance towards the children.

(k) It is the duty of the revision petitioner to take care of his wife and children. The respondent has no sort of income of her own and she is left with difficulty to run the house with the help of taking financial help from her family members.

(l) The revision petitioner retired from the service of the Police Department and received lumpsum of Rs.40 lakhs as retirement benefits. The revision petitioner has submitted a representation to the Commissioner of Police,



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Chennai and Director General of Police, Tamil Nadu, not to grant the retirement benefits to him, as he never took care of the respondent and the children. Since the revision petitioner used his Police power and somehow obtained whole amount to spend with his illicit wife and failed to give single Rupee to the respondent.

(m) The first daughter got married and there are many expenses as responsible mother to do. The second daughter is doing her final year Law course. The respondent has to spend towards her educational expenses and towards her marriage in few years after her studies.

(n) The revision petitioner has bought a house and gifted to his illicit wife, but the respondent, along with daughters, were living in Police quarters, but after the retirement of the revision petitioner, they had to vacate the quarters and now living in rented house. So, the respondent has to pay the rent every month now.

3. The revision petitioner has filed counter to the maintenance petition filed in M.C.No.248 of 2021 stating as follows:

(i) Owing to untold harassment and sufferings met at the hands of the respondent, the revision petitioner has filed O.P.No.3480 of 2012 for dissolution of marriage on the ground of cruelty. The revision petitioner is paying the



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monthly maintenance regularly by way of DD/Cheque and is ready to produce necessary records to show that he is paying monthly maintenance regularly.

(ii) The respondent is arrogant and have a superiority complex and never respects the revision petitioners. Since her harassment is intolerable, the revision petitioner filed the petition for dissolution of marriage. The revision petitioner was not intimated about the alliance to her elder daughter and was invited to the Betrothal function. The marriage invitation was sent by Post just a week before the marriage. The revision petitioner had already made all monetary arrangement for performance of marriage of his daughters.

(iii) The revision petitioner allowed the respondent to withdraw money by using ATM card and she used to withdraw the entire amount of salary on the very next day it was credited, which was not even objected by the revision petitioner and also allowed them to save money for their future. From the year 2012 to 2016, the respondent has withdrawn Rs.16 lakhs and she had withdrawn Rs.16 lakhs after incurring monthly expenses and she would have definitely saved and hence, she is not entitled for maintenance.

(iv) The averment regarding the fact that the revision petitioner never spent money and time with the respondent and his children never bought clothes for festival and never took care of the daily needs and never made educational expenses, are all denied by the revision petitioner. The petitioner lived with the



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respondent and his daughters for 22 years and met all their needs and only because of the respondent's continuous harassment, he came out of the house and living with parents. The averment that the children were beaten by the mother-in-law for the childish behaviour, is false, because, the mother-in-law never lived with the respondent.

(v) The revision petitioner never received Rs.70,000/- as salary and his last drawn salary was only Rs.50,000/-. He already parted with the entire salary between 2012 and 2016, due to which, the petitioner left with no income and he borrowed money from his friends and financiers to meet the needs of himself and his old parents.

(vi) The first daughter was married and the revision petitioner came to know that she is well settled in Middle East country and the second daughter is a major and he is presently paying monthly maintenance of Rs.7,000/- without fail.

(vii) The respondent squatted on the property even after the revision petitioner retired from service. The respondent cannot make hue and cry that he has totally neglected her and her children.

(viii) The revision petitioner has received only Rs.30 lakhs as retirement benefits and not Rs.40 lakhs as stated by the respondent. The major portion of the said amount of Rs.30 lakhs was spent to clear the debts incurred, to meet out the medical expenses towards his age old father and mother and the



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respondent has also health issues and he is spending huge money for his treatment.

(ix) For the benefit and enjoyment of the respondent and two children, the revision petitioner, during his service, when he was living with her, bought a Plot in the name of the respondent and thereafter, by obtaining LIC loan, he had built a house over the plot at Telephone colony, Perungudi, Chennai. The house consists of ground and first floor and the respondent is renting out the same all these years and at present, she is collecting monthly rent of Rs.18,000/- from the ground and first floor tenant, and totally, she is collecting Rs.36,000/- per month. The revision petitioner has nothing to do with the purchase of the house by the said Jayakavitha.

(x) From and out of his savings, the revision petitioner bought a Plot in the name of the respondent at Athanur Village, Sriperumbudur Taluk in the year 2010. During the pendency of divorce proceedings, the said plot was sold on 28.10.2014 to one Mr.Yuvaraj for Rs.14,24,000/- being the guideline value and the market value of the same was Rs.25 lakhs. The sale deed is dated 28.10.2014 bearing Document No.14398/2014, SRO/Gudvanchery and the respondent has appropriated the entire money for herself.

(xi) In lieu of the immovable property owned by the respondent, the receipt of monthly rent of Rs.36,000/- per month and the entire appropriation of



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sale proceeds to the tune of Rs.25 lakhs and withdrawal of entire salary of the petitioner between 2012 and 2016 to the tune of Rs.16 lakhs, now the respondent definitely worth receipt of monthly income of more than Rs.75,000/-.

(xii) The revision petitioner retired from service on 28.02.2020 as Special Sub-Inspector of Police and his monthly pension was fixed at Rs.16,710/- for 7 years, advance pension of Rs.23,040/- is being paid. With the meagre pension, the revision petitioner has to take care of himself and also his old parents. Most of the retirement benefits were already spent and a small portion was retained for his emergency expenses.

(xiii) With great difficulty, the revision petitioner is paying monthly maintenance of Rs.7,000/- as ordered in O.P.No.3418 of 2022 and the revision petitioner is planning to seek for reduction in payment of maintenance, in view of his retirement and meagre monthly pension. The respondent has come out with the present maintenance claiming Rs.40,000/- per month and seek 75% of the retirement benefits.

(xiv) The respondent and two children were well-settled and receiving a good and sufficient income from the immovable property and the sale proceeds of the immovable property. The respondent, in order to harass and take vengeance against the revision petitioner, filed the present maintenance case claiming unimaginary sum towards maintenance and lumpsum amount.

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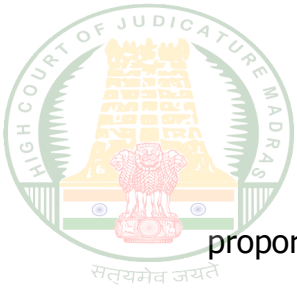
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(xv) The respondent already filed a case for maintenance and in

I.A.No.485 of 2017, Rs.7,000/- per month was ordered, against which, the respondent has filed C.M.A.No.2463 of 2018 before the High Court for enhancement and the same is pending.

4. Upon hearing both parties, the Family Court directed the revision petitioner to pay Rs.10,000/- per month towards the maintenance to the respondent from the date of filing of the maintenance petition, i.e. from 07.05.2021 and directed to pay the arrears of maintenance. The revision petitioner was directed to pay the maintenance amount to the respondent on or before 5th day of every succeeding English calendar month. Challenging this order of granting maintenance, the present revision petition is filed by the husband.

5. Learned counsel for the revision petitioner/husband submitted that the maintenance ordered by the Family Court is not proportionate to the income of the revision petitioner. The revision petitioner retired as Sub-Inspector of Police and he is drawing only pension and his old age parents are with ailments and he is also taking care of them and therefore, the Family Court failed to consider all those aspects and ordered Rs.10,000/- as maintenance which is not



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proportionate to his income, which is not highly exorbitant and hence, the impugned order passed by the Family Court is liable to be set aside.

6. Learned counsel for the respondent/wife submitted that the revision petitioner had driven her from the matrimonial home and he is having illegal intimacy with a women and she is not able to maintain herself and even the revision petitioner has not paid the arrears of maintenance amount. Taking advantage of his official position, she was driven from her matrimonial home and not being maintained. The Family Court rightly ordered Rs.10,000/- as maintenance. Considering the revision petitioner's earning of Rs.30,000/-, it is only 1/3 and the respondent/wife is legally entitled to get the maintenance from the revision petitioner/husband who neglected to maintain her. Hence, the learned counsel for the respondent/wife prayed that the revision petition may be dismissed.

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

8. The relationship between the parties, is admitted. Both of them are living separately, is also admitted. The revision petitioner was working as Sub-Inspector of Police and he subsequently retired from service and is getting

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pension, which is also admitted. On a perusal of the entire materials, the Family

Court only ordered 1/3 from the amount of pension to the respondent-wife.

Considering the price index having been varying by day-to-day and also taking into account the cost of living, the revision petition is liable to be dismissed confirming the maintenance granted by the Family Court and the maintenance ordered by the Family Court is reasonable and there is no reason to interfere with the impugned order of maintenance.

9. With the above observations, the revision petition is dismissed. The miscellaneous petition is closed.

10. The revision petitioner is directed to pay the entire maintenance, including the arrears, if any, failing which, the Family Court is directed to take coercive steps to collect the maintenance, if not paid.

26.03.2025

CS

To

1. The Vth Additional Principal Judge, Family Court, Chennai.
2. The Section Officer, Criminal Records Section, High Court, Madras.

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P.VELMURUGAN, J

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