



WEB COPY



CrI.RC.No.1870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

CrI.RC.No.1870 of 2023

Murugan

... Petitioner

Vs.

Subbammal

... Respondent

**Prayer:** Criminal Revision Case filed under Section 397 & 401 of Cr.P.C. to set aside the order 13.12.2018 passed in M.C.No.20 of 2011 on the file of Judicial Magistrate, Ambattur and the order dated 04.07.2022 in C.A.No.21 of 2022 passed by the Principal Sessions Judge at Tiruvallur and pass an order as agreed in the compromise memo dated 18.03.2023.

|                |                       |
|----------------|-----------------------|
| For Petitioner | : Mr.R.Sampathkumar   |
| For Respondent | : Not ready in notice |



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## ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 13.12.2018 passed in M.C.No.20 of 2011 on the file of Judicial Magistrate, Ambattur and the order dated 04.07.2022 in C.A.No.21 of 2022 passed by the Principal Sessions Judge at Tiruvallur and pass an order as agreed in the compromise memo dated 18.03.2023.

2. The case of the petitioner is that the respondent is none other than the mother of the petitioner herein. The respondent filed a protection petition under the Domestic Violence Act with an ulterior motive to get money from the petitioner in order to give the same to her daughter Rani. Subsequently, the respondent filed a maintenance case in M.C.No.20 of 2011 before the Judicial Magistrate, Ambattur and the learned Magistrate ordered a sum of Rs.2,000/- per month towards maintenance. Since the petitioner is a Cooly/daily wager, he could not pay the said amount and therefore, he filed an appeal before the District Court, Thiruvallur in C.A.No.21 of 2022 and the learned Judge, set



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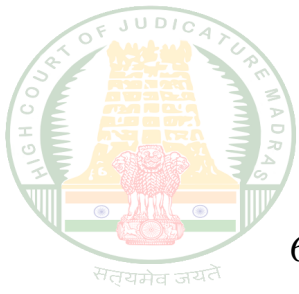
aside the order of the trial Court and remanded the matter back to the Judicial

Magistrate, Ambattur to consider the petitioner's financial position. But, the learned Magistrate instead of reducing the maintenance, enhanced the same as Rs.5,000/- from Rs.2,000/-. Aggrieved by the same, the present revision is filed.

3. The learned counsel for the petitioner submitted that the petitioner has been taking care of the respondent and he is also providing shelter and food to the respondent. Since the petitioner is a daily wager, he is unable to pay the said amount of Rs.5,000/- to the respondent which is beyond his financial capacity. Therefore, the present revision is filed.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Since no adverse order is being passed against the respondent, no fresh notice is ordered to the respondent.



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6. The relationship between the parties is admitted. The respondent is

living separately and the same is also admitted. Considering the age of the respondent and the cost of living prevailing as on date, the maintenance amount of Rs.5,000/- is reasonable that too the said amount of Rs.5,000/- has been ordered to pay only from the date of order. From the date of petition to till the date of order, a sum of Rs.2,000/- only has been ordered to pay.

7. Therefore, considering the facts and circumstances, this Court does not find any reason to interfere with the order passed by the Magistrate and there is no merits in this revision.

8. Accordingly, this Criminal Revision Case is dismissed.

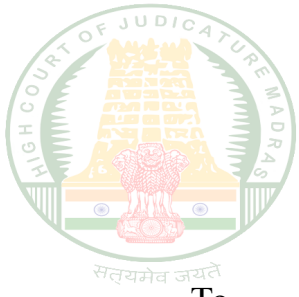
10.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,  
Ambattur

2. The Principal Sessions Judge  
Tiruvallur



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**P.VELMURUGAN. J.**

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