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CRL RC No. 1753 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 1753 of 2024

and

CRL MP No.14396 of 2024

1. S.Mouli
S/o.Shnamugam,
No.4/3-88, Irattai Puliymarathoor,
Raman Nagar,
Mettur Taluk, Salem District.

Petitioner(s)

Vs

1. S.Meenarajeshwari
W/o.Mouli

2.Minor.Raswanth Krish
S/o.Mouli,
Rep By His Mother/1st Respondent,
D.No.8/38, Mettur Town Road, Mettur
Town And Taluk, Salem District.

Respondent(s)

**PRAYER**

This Criminal Revision Petition filed under Section 438 read with 442 of BNSS, to call for records and set aside the order dated 30.08.2024 passed by the Judicial Magistrate No.1, Mettur in M.C.No.21/2022.

For Petitioner(s): Mr.G.Punniakoti

For Respondent(s): Mr.C.Prabakaran

ORDER

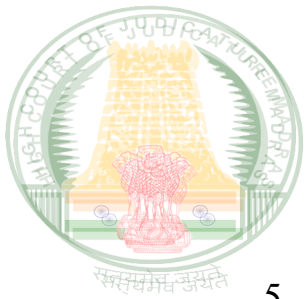
This Criminal Revision Petition has been filed to call for records and to set aside the order dated 30.08.2024 passed by the Judicial Magistrate No.1, Mettur in M.C.No.21/2022.

2. The learned counsel for the petitioner submitted that the petitioner is earning a sum of Rs.34,000/- per month, whereas, the learned Judge, Family Court ordered Rs.35,000/- towards maintenance to the respondents. Now, the petitioner is jobless and he has no income. The first respondent/wife had filed the petition in HMOP No.107 of 2021 before the Subordinate Court, Mettur, seeking divorce from the petitioner. Hence, at this stage, the respondent/wife is not entitled to get any maintenance from the petitioner.



3. Learned counsel for the respondents submitted that as per Ex.P9, the petitioner is earning more than Rs.One lakh per month. Even P.W.2 who is the employer of the petitioner, had deposed that the petitioner is working as Principal Software Engineer and the petitioner's annual income is Rs.29,00,093.42/-. The petitioner is earning Rs.1,66,183/- as net pay after exclusion of all taxes. The petitioner has not produced any contra evidence as against the salary being received. Further, he has not established that on the date of filing the maintenance case by the respondents, he resigned the job and he is not having any income and he has no means to maintain the respondents. The learned Judge, Family Court, considering the employment and income of the petitioner and economic condition of the respondents, ordered maintenance amount of Rs.15,000/- to the first respondent and Rs.20,000/- to the second respondent which is meagre and hence, the revision petition is liable to be dismissed.

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



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5. The marriage between the petitioner and the first respondent is admitted. Out of their wedlock, wife gave birth to a child, who is the second respondent, which is also admitted. The respondents are living separately away from the petitioner, which is also admitted. It is submitted by the learned counsel for the petitioner that the first respondent has obtained divorce from the petitioner on the ground of cruelty and the petitioner has not filed any petition seeking divorce. It is well settled proposition of law that divorced wife is also entitled for maintenance, unless he is disqualified. There is no material available to show that the first respondent is disqualified from getting maintenance from the petitioner.

6. Ex.P9 and evidence of P.W.2 clearly show that the petitioner is working as a Software Engineer and earning income of Rs.29,00,093/- annually. Considering the status and income of the petitioner and rise in price index, order of maintenance amount of Rs.15,000/- to the first respondent and Rs.20,000/- to the second respondent are reasonable and the same is not exorbitant. Considering the cost of living and the status of the parties, order of



maintenance amount is quite reasonable. Hence, there is no merit in the revision petition and the same is liable to be dismissed.

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7. Accordingly, this Criminal Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

28-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

Judicial Magistrate No.1, Mettur



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P.VELMURUGAN J

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