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CRL RC No. 2346 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2346 of 2024

and

CRL MP No.18097 of 2024

1. HEMACHANTH

S/o.J.Chandrasekar,

No.26, Sannathi Street,

Vandavasi Town, Thiruvannamalai.

Petitioner(s)

Vs

1. SUDHA

D/o.Radhakrishnan,

No.4/247, T.V.K. Nagar, 5th Street,

Sipcot,, Ranipet.

Respondent(s)

PRAYER

This Criminal Revision Petition is filed under Section 438 read with Section 442 of BNSS, to set aside the order dated 30.05.2023 passed in M.C.No.3 of 2021 by the District Munsif cum Judicial Magistrate, Ranipet.



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For Petitioner(s): Ms.M.Rajalakshmi

For Respondent(s): Mr.S.Kathiravan,
Legal Aid Counsel

ORDER

This Criminal Revision Petition has been filed, challenging the order dated 30.05.2023 passed in M.C.No.3 of 2021 by the learned District Munsif cum Judicial Magistrate, Ranipet.

2. The respondent/wife filed a petition under Section 125 Cr.P.C., against the petitioner/husband, in M.C.No.3 of 2021, seeking maintenance before the learned District Munsif cum Judicial Magistrate, Ranipet. After enquiry, the learned Magistrate directed the petitioner/husband to pay a sum of Rs.10,000/- as maintenance to the respondent/wife. Aggrieved by the same, the petitioner has filed this Criminal Revision Petition.

3. Learned Legal aid counsel appearing for the respondent/wife submitted that the petitioner / husband is a practising advocate. The respondent/wife is not having any means to maintain herself and hence, she has to be maintained by her husband. The maintenance order passed by the learned Magistrate is genuine and reasonable. Hence, he prayed for dismissal of the revision petition.



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4. It is seen that M.C.No.3 of 2021 is pending from 2021 and the same was disposed of on 30.05.2023 by the learned Magistrate. The petitioner has filed revision petition in the year 2024 and the same is pending. Now, the learned counsel for the petitioner is not inclined to proceed with the case further. However, considering the scope and object of Section 125 Cr.P.C and the case in M.C.No.3 of 2021 is pending from 2021, this Court is inclined to decide the matter on merits.

5. The relationship between the parties is not in dispute. Both the parties are living separately which is also not in dispute. The respondent/wife has filed the maintenance petition under Section 125 Cr.P.C., in M.C.No.3 of 2021 before the learned District Munsif Cum Judicial Magistrate, Ranipet, seeking maintenance. The learned Magistrate, considering the facts and circumstances of the case, directed the petitioner to pay Rs.10,000/- per month. The petitioner is an Advocate by profession. The petitioner has not established the fact that the respondent is a woman of means and she is able to maintain herself. A dutiful husband is liable to maintain his wife. This Court finds that there is no merit and reason to interfere with the order passed by the learned Magistrate.



6. In view of the same, this Criminal Revision Petition is dismissed.

Consequently, connected miscellaneous petition is also closed.

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7. The Tamil Nadu State Legal Services Authority is directed to pay the fee prescribed to the Legal Aid Counsel.

01-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

The District Munsif cum Judicial Magistrate, Ranipet.

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Copy to

The Member Secretary,

Tamil Nadu State Legal Services Authority ,

High Court Building, Chennai.



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P.VELMURUGAN J.

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