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CRL RC No. 2372 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2372 of 2024

1. K.Saravanan @ Thanigaimuthu
S/o.J.Kothandam,
No.15, Rajabadhar Street,
Jaffarkhanpet, Chennai - 600 083.

Petitioner(s)

Vs

1. R.Renuka Devi
D/o.A.Ravi Mudaliar,
No.51, New Farranace Road,
Pattalam, Chennai - 600 012.

Respondent(s)

PRAYER

This Criminal Revision Petition filed under Section 397 read with 401 of Cr.P.C., to call for records and to set aside the order dated 25.09.2024 passed in MC.No.200 of 2020 by learned VI Additional Family Judge, Chennai.



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For Petitioner(s): Ms.S.Vennila

For Respondent(s): Mr.Inamdar Ameenur Rahman
Salam
(appeared through video
conference)

ORDER

This Criminal Revision Petition has been filed to call for the records and to set aside the order dated 25.09.2024 passed in MC.No.200 of 2020 by the learned VI Additional Principal Judge, Family Court, Chennai.

2. The respondent/wife filed a maintenance case under Section 125 Cr.P.C., against the petitioner/husband in MC.No.200 of 2020 before the learned VI Additional Principal Judge, VI Additional Family Court, Chennai. After enquiry, the learned Magistrate directed the petitioner/husband to pay a sum of Rs.10,000/- per month as maintenance. Challenging the same, the petitioner/husband is before this Court.



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3. Learned counsel for the petitioner/husband submitted that earlier, he did not do any job and has no income. However, now he is working as sales representative and out of which, he is earning Rs.21,000/- per month. The petitioner is taking care of his children till today, instead of the respondent/wife. Therefore, the maintenance order passed by the learned Judge, Family Court is exorbitant and it is not proportionate to the income of the petitioner and the same is liable to be set aside.

4. Learned counsel for the respondent/wife submitted that the petitioner/husband has suppressed his actual income in his assets and liabilities statement. The petitioner has valuable properties and out of which, he is getting rental income of Rs.40,000/-. Therefore, the order passed by the learned Judge, Family Court is genuine and even it is a meager amount which is proportionate to the income of the petitioner.

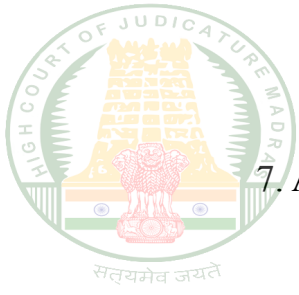
5. The relationship between the parties is not in dispute. The respondent/wife is not a woman of means. The petitioner/husband has not



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established the income and source of the respondent/wife. Though it is stated that the petitioner has suppressed the income in his affidavit of assets and liabilities statement, during examination, the petitioner himself admitted that he is earning Rs.21,000/- per month and also he is getting Rs.30,000/- as rental income. He has also stated that the petitioner belonged to joint family and hence, he is entitled to 1/3rd share of the rental income, whereas, he has not produced any material to show that the said property is a joint family property and the entitlement of his actual rental income.

6. Therefore, under the facts and circumstances of the case and considering the petitioner's monthly income of Rs.21,000/- and his additional source of income and considering the fluctuation of price index day-by-day and also the cost of living prevailing as on date and considering the status of the parties, the learned Judge, Family Court ordered only Rs.10,000/- as maintenance, which is not exorbitant and the same is very genuine and reasonable and also proportionate to the income of the petitioner and hence, this Court does not find any merit in the revision petition and the same is liable to be dismissed.



7. Accordingly, this Criminal Revision Petition is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

To

The VI Additional Family Judge, Chennai.



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P.VELMURUGAN J.

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