



Crl.O.P.(MD)No.22745 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22745 of 2024

and

Crl.M.P(MD) No.14233 of 2024

R.Venkatraghavan

. Petitioner

Vs.

Deepa

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for records pertaining to the order dated 22.11.2024 made in Cr.M.P.No.2158 of 2024 in Crl.R.P.No.20 of 2024 on the file of the Additional District and Sessions Judge(FTC) Kumbakonam , Thanjavur District and set aside the same.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.A.Senthil Kumar

ORDER

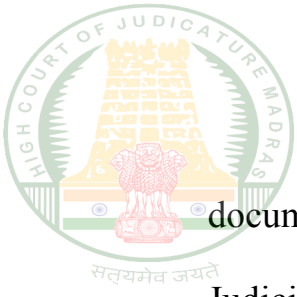
This Criminal Original Petition has been filed to set aside the order dated 22.11.2024 made in Cr.M.P.No.2158 of 2024 in Crl.R.P.No.20 of 2024 on the file of the Additional District and Sessions Judge(FTC) Kumbakonam , Thanjavur District.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the respondent and there is some misunderstanding between the parties. Whileso the respondent filed a petition under Section 125 of Cr.P.C., before the learned Chief Judicial Magistrate , Thanjavur @ Kumbakonam and the same was allowed by directing the petitioner to pay a sum of Rs.15,000/- as maintenance per month. Challenging the same she preferred a revision in Cr.R.P.No.20 of 2024 and the same is pending. Now pending revision the petitioner filed this petition to stay the operation of the order passed by the trial Court.. The learned Chief Judicial Magistrate dismissed the same. The revision Court has not considered that the maintenance amount awarded was too high and the petitioner has also deposited 20% of arrears amount and that fact was not considered by the learned Chief Judicial Magistrate. Therefore he sought for stay of the order passed by the learned Chief Judicial Magistrate but the revision Court failed to consider, therefore he has filed this petition.

3. The learned counsel appearing for the respondent would submit that the respondent has filed a petition for maintenance before the learned Chief Judicial Magistrate and both side witnesses were examined and filed



documents based on the evidences adduced on both sides the learned Chief Judicial Magistrate awarded a meagre amount of Rs.15,000/-per month.

Now the petitioner is evading payment of maintenance and preferred revision petition and in the revision petition the petitioner filed a petition to stay proceedings but the revision court dismissed the petition. There is huge amount of arrears due of Rs.20,00,000/- Therefore the revision court order is reasoned order and the present petition is liable to be dismissed.

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

5. In this case, there is no dispute in respect of relationship of parties and the respondent being a wife has filed a petition under Section 125 of Cr.P.C seeking maintenance before the learned Chief Judicial Magistrate. After full trial the Court directed the petitioner to pay a sum of Rs.15,000/- per month as maintenance. Against which the petitioner has preferred a revision petition before the revision Court and also filed a petition to stay further proceedings before the learned Chief Judicial Magistrate and the stay petition was dismissed, challenging the same, the present petition has been filed. The petitioner challenged the maintenance awarded by the learned Chief Judicial Magistrate, Kumbakonam through



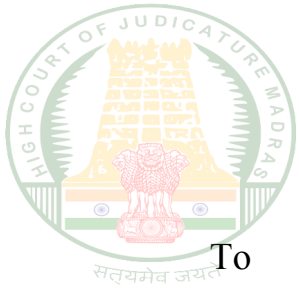
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revision. While pending revision he filed petition to stay the award passed by the trial Court and the same was dismissed. This Court perused the records including the order of the revision Court, the order passed by the revision Court is well reasoned order and no infirmity or illegality in the order passed by the revision Court in dismissing the stay petition. By filing the stay petition the petitioner successfully delayed the proceedings. The award amount awarded is more than Rs.20,00,000/- and without paying the said amount while pending during revision this petition is filed without valid grounds. Therefore this Court is not inclined to allow the petition, thereby the petition is liable to be dismissed.

6. In the result, the Criminal Original Petition stands dismissed. However since the revision is pending from the year 2024 this Court directs the revision Court to dispose the revision petition as early as possible without giving long adjournment. Consequently connected miscellaneous petition stands closed.

28.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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The Additional District and Sessions Judge(FTC) Kumbakonam ,
Thanjavur District



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P.DHANABAL,J.

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