

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.3133 of 2015

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of Cr.P.C., is filed by the petitioner/husband, challenging the order, dated 05.10.2015, passed in M.C.No.94 of 2013 by the Judge, Family Court, Warangal, whereby, on a petition filed by the Respondent Nos.2 and 3 herein under Section 125 of Cr.P.C. seeking maintenance of Rs.5,000/- per month, the Court below granted monthly maintenance of Rs.3,000/- to the Respondent No.2/Wife and Rs.2,000/- to the Respondent No.3/Minor Daughter, apart from granting Rs.10,000/- towards litigation expenses.

2. Heard Sri Kuruti Bhaskar Rao, learned counsel for the petitioner/husband and Ms. B.V.Aparna Lakshmi, learned counsel for the respondents/wife and minor daughter and perused the record.

3. For the sake of convenience, the parties hereinafter referred to as they were arrayed before the trial Court.

4. The petitioners/wife and minor daughter filed the subject M.C.No.94 of 2013 before the trial Court seeking maintenance @ Rs.5,000/- per month to each of them. It is their case, that the petitioner No.1 is the legally wedded wife of the Respondent and

petitioner No.2 is the daughter of the petitioner No.1 through the Respondent, born during their wed lock. At the time of marriage, the parents of petitioner No.1 paid an amount of Rs.3 Lakhs to the Respondent towards dowry, apart from other presents. However, dissatisfied with the same, the Respondent started harassing the petitioner No.1 for want of additional dowry. The matter was placed before the village elders, where, the Respondent promised to lookafter the petitioners well. However, the Respondent did not mend his attitude. Even the counseling before the police, did not yield any positive result. Unable to bear the harassment meted out at the hands of the Respondent, petitioner No.1 lodged a complaint with the police concerned under Section 498A and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961. Later, the Respondent filed a petition for divorce before the Court concerned and the same is pending. The Respondent is a Government Teacher, getting monthly salary of Rs.30,000/-. Hence, the petition.

5. Respondent filed counter, denying the averments made in the petition. However, he admitted the relationship between him and the petitioners. He denied the dowry allegations and all other misdeeds alleged against him. It is his case that in fact, the petitioner No.1 is not willing to live with him and that she tried to

kill him and therefore, he filed an O.P. seeking divorce. It is also his contention that on a complaint lodged by the petitioner No.1, he was arrested which lead to his suspension from Government job and now, he is getting meager amount of Rs.8,000/- per month and he has to look after his mother. He is ready to pay maintenance of Rs.1,000/- per month to each of the petitioners.

6. During the course of enquiry, petitioner No.1 herself got examined as PW.1 and also got examined her father as PW.2 and got marked Ex.A1 to A3. On behalf of the Respondent, the Respondent himself got examined as RW.1.

7. Basing on the rival pleadings, the Court below, taking Ex.A3-Salary Certificate of the Respondent into consideration, awarded monthly maintenance of Rs.3,000/- and Rs.2,000/- to the petitioner Nos.1 and 2 respectively, apart from Rs.10,000/- towards litigation expenses. Aggrieved by the same, the Respondent is before this Court as petitioner.

8. The core contention of the learned counsel for the petitioner/husband is that the petitioner No.1, due to her bad habits and quarrelsome attitude, on her own volition, left the company of the petitioner/husband and therefore, the respondents/wife and minor daughter are not entitled to any maintenance.

9. On the other hand, the learned counsel for the respondents/wife and minor daughter would submit that due to the ill-treatment of the petitioner/husband, the respondents/wife and minor daughter left his company. The Court below rightly appreciated the evidence on record and granted maintenance of Rs.3,000/- and Rs.2,000/- to the petitioner Nos.1 and 2 respectively. There is nothing to interfere with the same and ultimately prayed to dismiss the Criminal Revision Case.

10. Here, it is apt to state that the object of Section 125 of Cr.P.C. is to provide summary remedy to the wife and children in relation to maintenance. The burden is always on the husband to show that he has no sufficient means to discharge his obligation.

11. In the instant case, admittedly, the petitioner/husband is working as a Government Teacher. His means is thoroughly established by way of Ex.A3-Salary Certificate. On the other hand, it is not case of the petitioner/husband that the Respondent No.1/Wife is gainfully employed and is able to maintain herself and the Respondent No.2/Minor Daughter. The Respondent No.1/Wife also did not plead anywhere that she has means to maintain herself and her daughter. Thus, it can be safely concluded that the petitioner/husband, having sufficient means, refused and

neglected to maintain the Respondents/wife and minor daughter, who have no means to maintain themselves.

12. Section 125 of Cr.P.C. casts a duty on the Court to do social justice and to adopt a pragmatic approach. The inability of a wife or child to maintain themselves would lead to social problems. Section 125 of Cr.P.C. is intended to provide immediate succor to the destitute wife, children, etc., and as such, the approach of the Court for interpreting this provision must be benevolent, justice oriented and the order must be passed keeping in view of the principles of equality, justice and good conscience. Human considerations must dominate the scene. The Court need not make a negative approach, and it must be objective, affirmative and action oriented. While granting speedy and limited relief, which is sought to be engraved under this job, the Court should necessarily follow the basic principle that a poor woman shall not be asked to run from pillar-to-post for getting speedy and limited relief.

13. In the instant case, in view of Ex.A3-Salary Certificate, the petitioner/husband, in-spite of having sufficient means to maintain the respondents, neglected to do so and as such, the Court below, taking all the factors into consideration, awarded a maintenance of Rs.3,000/- and Rs.2,000/- respectively to the Respondent Nos.1

and 2 /wife and minor daughter towards maintenance. The impugned order of the Court below does not reflect any patent defect or an error of jurisdiction or law. It is in accordance with law. There is no illegality, impropriety or irregularity in the order under challenge. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

14. In the result, the Criminal Revision Case is dismissed, confirming the order, dated 05-10-2015 passed in M.C.No.94 of 2013 by the Judge, Family Court, Warangal.

Miscellaneous applications, if any, pending in this Criminal Revision Case, shall stand closed.

JUVVADI SRIDEVI, J

13th July, 2022

Vrks