

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.13877 of 2011
and M.P.No.1 of 2011

A.Rakesh

..Petitioner

Vs

A.S.Rama

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to M.C.No.169 of 2009 filed by the respondent herein against the petitioner, on the file of the Hon'ble III Additional Family Court at Chennai and quash the entire proceedings as malicious, illegal, vexatious and a sheer abuse of process of Court.

For Petitioner : No appearance

For Respondent : Mr.J.Saravana Vel

ORDER

No representation for the petitioner on 26.08.2015. Today also there is no representation for the petitioner. This case has been pending since 2011. In this petition, the petitioner is challenging the proceedings in M.C.No.169 of 2009 that has been filed by the respondent herein under Section 125 Cr.P.C. This Court perused the grounds raised by the petitioner in this quash petition. The maintenance proceedings have been initiated by the mother of the petitioner, who

is the respondent herein. The main grounds raised in the quash petition is that, the respondent/mother is receiving interim alimony of Rs.3,000/- from her husband in O.P.No.69 of 1997, which is a divorce proceedings pending between the respondent and the petitioner's father before the III Additional Family Court, Chennai.

2. In the considered opinion of this Court, proceedings under Section 125 Cr.P.C. cannot be challenged under Section 482 Cr.P.C. on flimsy grounds, inasmuch as the very provision is intended for providing succor to deserted wives and hapless parents. It is open to the trial Court to take into consideration the alleged alimony that is received by the respondent while deciding the maintenance

petition under Section 125 Cr.P.C. On account of the pendency of this petition from 2011, there has been no progress in M.C.No.169 of 2009.

In the result, this petition is devoid of merits and stands dismissed. The trial Court is directed to expeditiously conduct the enquiry in M.C.No.169 of 2009 and complete the same within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

-Sd/-
Asst.Registrar

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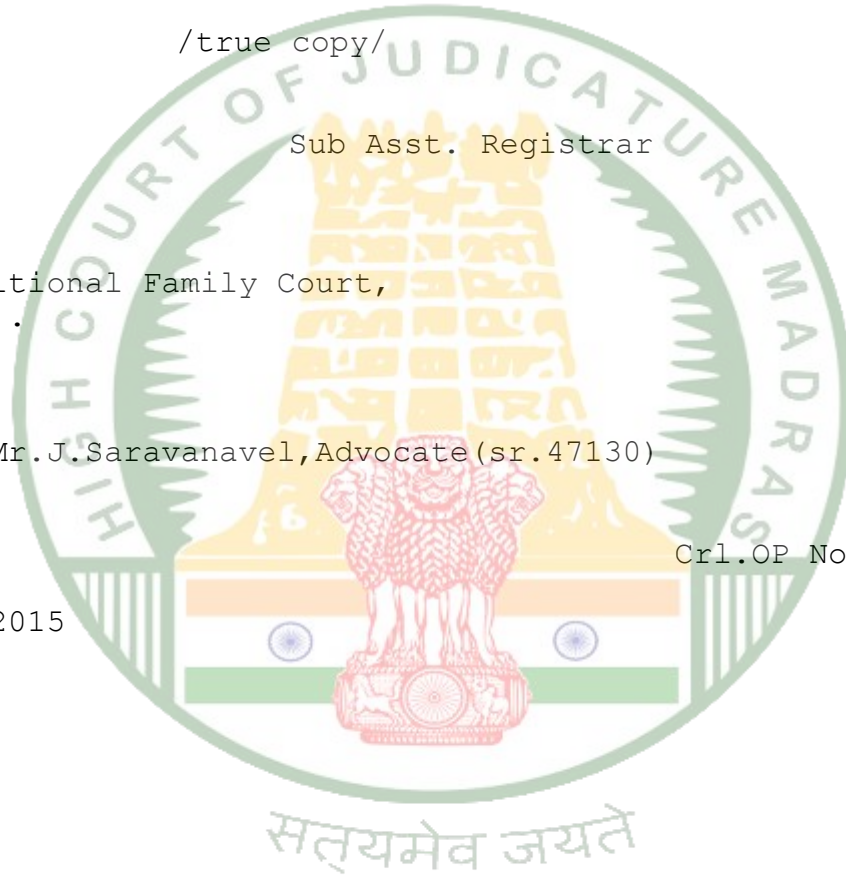
Sub Asst. Registrar

To
1.III Additional Family Court,
Chennai .

+1 cc to Mr.J.Saravanavel,Advocate(sr.47130)

EV(co)
cp 23/09/2015

Cr1.OP No.13877 of 2011



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