

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.13408 of 2016

and CRL.MP.Nos.6887, 6888 of 2016

Balamurugan ..Petitioner/Respondent

Vs

Jeyabharathi ..Respondent/Petitioner

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in M.C.No.16 of 2016 pending on the file of the learned Chief Judicial Magistrate, Tiruvarur and quash the same.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.C.Emalias, APP

O R D E R

On account of boycott of Courts, there is no representation on the side of the petitioner. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court went through the records and passed orders.

2. For the sake of convenience, the parties will be referred to by their name. Balamurugan got married to Jeya Bharathi on 02.11.2014 at Pattukkottai and thereafter, their marriage ran into rough weather. It is the case of Jeya Bharathi that Balamurugan has deserted her and has not been given any maintenance. Therefore, Jeya Bharathi has filed petition in M.C.No.16 of 2016 before the learned Chief Judicial Magistrate, Tiruvarur under Section 125 Cr.P.C. claiming maintenance of Rs.60,000/- from Balamurugan. Challenging which, Balamurugan is before this Court.

3. From the grounds submitted by Balamurugan, it is seen that he has repudiated various allegations made by Jeya Bharathi that she has been deserted.

4. In the considered opinion of this Court, these aspects cannot be looked into in a quash petition under Section 482 Cr.P.C. inasmuch as, disputed question of facts cannot be

gone into. Section 125 Cr.P.C. is a beneficial legislation intended to fetch financial support for deserted wives and parents. Hence, this is not a fit case to interfere under Section 482 Cr.P.C. and this petition stands dismissed, with liberty to Balamurugan to raise all the points before the trial Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

gya

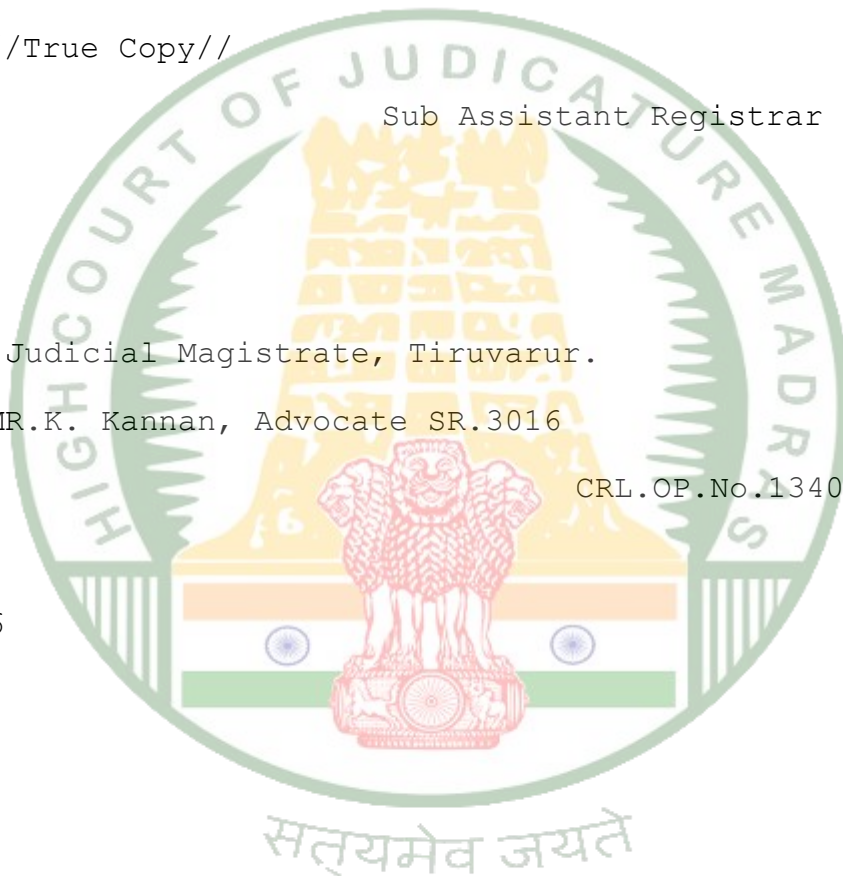
To

The Chief Judicial Magistrate, Tiruvarur.

1 cc to MR.K. Kannan, Advocate SR.3016

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RSY (CO)
EU 19.7.16



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