

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.13873 of 2016
and
CrI.MP.Nos.7091 & 7092 of 2016

H.Mohammed Ansari ... Petitioner/Respondent

Vs

1.J.A.Tajulwazia

2.Mohammed Salahudeen

Minor, Represented by her mother

& Guardian, J.A.Tajulwazia ... Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the proceedings in M.C.No.236 of 2016 on the file of the Family Court, Chennai and quash the same.

For Petitioner : Mr.S.M.Mugamed Salim

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in M.C.No.236 of 2016, pending on the file of the Family Court, Chennai.

2. Heard the learned counsel appearing for the petitioner.

3. For the sake of convenience, the parties will be referred to by their name.

4. Mohammed Ansari got married to Tajulwazia (first respondent herein) on 15.08.2013 and through the wedlock, they have one child, Mohammed Salahudeen, who is aged two years. While so, on account of matrimonial dispute, the parties are estranged and it is alleged by Tajulwazia that she had been deserted by Mohammed Ansari. Therefore, Tajulwazia had filed proceedings in M.C.No.236 of 2016 before the Family Court, Chennai, against Mohammed Ansari under Section 125 Cr.P.C.,

claiming maintenance for herself and her child, challenging which, Mohammed Ansari is before this Court.

5. The learned counsel appearing for Mohammed Ansari submitted that Mohammed Ansari lived with his wife only for two weeks and that he has been harassed by her. He has also submitted that his family members were also harassed by the family of Tajulwazia.

6. In the considered opinion of this Court, Section 125 Cr.P.C. is a beneficial provision of law intended to secure some minimum maintenance for deserted wives and children. This Court cannot go into the disputed question of fact in a petition under Section 482 Cr.P.C. and quash the maintenance proceedings.

Under such circumstances, the petition is devoid of merits and dismissed with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
Family Court,
Chennai.

+1cc to Mr.S.M.Mugamed Salim, Advocate, S.R.No.37060

PVS (CO)
CA(23/07/2016)

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