



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .No.19657 of 2016

and

Crl.M.P. (MD) .Nos.9936 and 9937 of 2016

- 1.Loganathan
- 2.Thangamani Mariappa Nadar
- 3.Vijayalakshmi
- 4.Narayanasamy

.. Petitioners/Accused Nos.1 to 4

Vs.

Shanmugapriya

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in M.C.No. 5 of 2016 which is pending on the file of the Judicial Magistrate Court, Sivagiri and QUASH the same.

For Petitioner : Mr.R.J.Karthick

ORDER

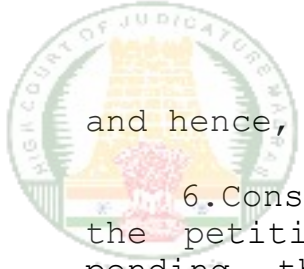
This petition is filed seeking to quash the proceedings in M.C.No. 5 of 2016, pending on the file of the Judicial Magistrate Court, Sivagiri.

2.Heard the learned counsel for the petitioners.

3. Based on the complaint of the respondent, a case has been registered against the petitioners in Crime No.20 of 2015 for the offences punishable under Sections 498(A), 406 of IPC and Section 4 of Dowry Prohibition Act. Thereafter, the respondent filed the present case in M.C.No.5 of 2016, seeking maintenance.

4. Mr.R.J.Karthick, learned counsel for the petitioners would submit that the petitioners have been falsely roped in this case. Since the maintenance case is motivated, it is liable to be quashed.

5. The learned counsel for the petitioners would further submit that the respondent has already filed a divorce petition in H.M.O.P.No.122 of 2015, on the file of the Sub-Court, Sankarankovil



and hence, the case in M.C.No.5 of 2016 is liable to be quashed.

6.Considering the submissions made by the learned counsel for the petitioner and also the fact that a divorce petition is pending, this Court is not inclined to quash the maintenance case. Hence, the criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, the personal appearance of the petitioners in M .C.No.5 of 2016 is dispensed with and they are directed to appear before the trial court, when their presence is required by the learned Judicial Magistrate, Sivagiri.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Sivagiri.

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 63349

VS

TE/SKS-RR : 28/11/2016 : 2P/3C

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and

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