

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.1267 of 2013

and

M.P.Nos.1 and 2 of 2013

Ramesh
S/o.Thirumurthy

..Petitioner

Vs.

1.Kalaiselvi
W/o.Ramesh

2.Minor Narmatha

3.Minor Geetha Lakshmi

(respondents 2 and 3 are represented
by their next friend and natural
guardian first respondent)

..Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to set aside the order dated 26.03.2012 made in Crl.R.C.No.1 of 2012 on the file of learned Principal Sessions Judge, Namakkal, confirming the order dated 07.10.2011 passed in M.C.No.8 of 2009 on the file of learned Judicial Magistrate, Tiruchengode.

For Petitioner : Mr.B.Kumarasamy

O R D E R

Petitioner has filed this petition against the order of learned Principal Sessions Judge, Namakkal, passed in Crl.R.C.No.1 of 2012 on 26.03.2012 confirming the order of learned Judicial Magistrate, Tiruchengode, passed in M.C.No.8 of 2009 on 07.10.2011.

2. Petitioner and first respondent are husband and wife. Respondents 2 and 3 are their minor daughters. Differences arose between them. Petitioner moved H.M.O.P.No.701 of 2005 on the file of Family Court, Coimbatore, seeking divorce. First

respondent preferred M.C.No.5 of 2006 on the file of learned Judicial Magistrate, Tiruchengode, seeking maintenance for herself and her minor children. As the first respondent did not choose to appear before the Court at Tiruchengode, learned Judge has dismissed the petition. Without taking any steps to restore the maintenance petition, the first respondent has filed M.C.No.8 of 2009 seeking maintenance at Rs.3,000/- each. Court below, under orders dated 07.10.2011, directed the petitioner to pay a monthly maintenance of Rs.2,500/- to first respondent and Rs.2,000/- each to respondents 2 and 3. Against such finding, petitioner moved Crl.R.C.No.1 of 2012 on the file of learned Judicial Magistrate, Tiruchengode, which came to be dismissed under orders dated 26.03.2012. There against, the present petition has been filed.

3. Heard learned counsel for petitioner.

Though the petitioner has filed a petition under Section 482 Cr.P.C., the present petition is in the nature of second revision, which stands barred under Section 397(3) of the Criminal Procedure Code. Hence, the Criminal Original Petition is dismissed. It will be open to the petitioner to raise all contentions on merits before the Court concerned. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Namakkal.
2. The Judicial Magistrate,
Tiruchengode.
3. The Public Prosecutor,
High court, Madras.

Crl.O.P.No.1267 of 2013

KJI (CO)
CU(04/07/2017)