



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE P.N. PRAKASH**CrI.O.P. (MD) No.20187 of 2015**

N.Sankarasubramanian

.. Petitioner

-vs-

K.G.Sivakumar

.. Respondent

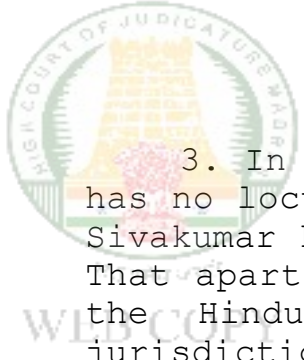
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying to direct the Hon'ble Family Court, Tirunelveli to take the application bearing M.P.S.R.No.1236 of 2015 dated 27.05.2015 in H.M.O.P.No.292 of 2014 filed under Sections 340(1) of Cr.P.C. for the commission of the offences punishable under Sections 191, 192 and 193 of I.P.C. by the respondent herein on file and take cognizance after dealing with the same in accordance with law and on merits.

For Petitioner : Mr.Palani Velayutham

O R D E R

This petition has been filed to direct the Hon'ble Family Court, Tirunelveli to take the application bearing M.P.S.R.No.1236 of 2015 dated 27.05.2015 in H.M.O.P.No.292 of 2014 filed under Sections 340(1) of Cr.P.C. for the commission of the offences punishable under Sections 191, 192 and 193 of I.P.C. by the respondent herein on file and take cognizance after dealing with the same in accordance with law and on merits.

2. Sivakumar / respondent herein initiated divorce proceedings against his wife Sornalakshmi in HMOP No.292 of 2014 before the Family Court, Tirunelveli. After trial, HMOP No.292 of 2014 was allowed and the marriage between Sivakumar and Sornalakshmi that was held on 31.08.2011 was dissolved by a decree of divorce. Thereafter, Sankarasubramanian / petitioner herein, who is the father of Sornalakshmi filed a petition in M.P.S.R.No.1236 of 2015 in HMOP No.292 of 2014 before the Family Court, Tirunelveli alleging that during the trial, Sivakumar had given some false information and therefore, perjury action should be initiated against him. Since the Family Court, Tirunelveli did not accept the petition, Sankarasubramanian is before this Court for a direction to the Family Court, Tirunelveli to pass appropriate order on his petition.



3. In the considered opinion of this Court, Sankarasubramanian has no locus standi to maintain a complaint on the allegation that Sivakumar had given false evidence in the matrimonial proceedings. That apart, the proceedings before the Family Court was one under the Hindu Marriage Act and therefore, this Court has no jurisdiction under Section 482 Cr.P.C. to entertain this petition. Hence, this Court does not find any infirmity in the refusal of the Family Court, Tirunelveli to deal with M.P.S.R.No.1236 of 2015, warranting interference by this Court.

4. In the result, this petition is dismissed.

Sd/-

Assistant Registrar(AD II)

/TRUE COPY/

Sub Assistant Registrar

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To:

The Judge, Family Court, Tirunelveli

+1 cc to MR.Palani Velayutham, ADVOCATE, SR NO: 55792

JAM/11.05.17/BS/SAR 3 2P-3C

Cr1.O.P. (MD) No.20187 of 2015

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