



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.7102 of 2015

and

M.P (MD) .No.1 of 2015

Vincent Reynold

: Petitioner/Petitioner/Respondent

-Vs-

Meenakshi @ Veronica Rosary

: Respondent/Respondent/ Petitioner

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to set aside the impugned order dated 22.01.2015 in Cr.M.P.No.2163 of 2014 in M.C.No.30 of 2014 on the file of the learned Additional Chief Judicial Magistrate, Madurai.

For Petitioner
For Respondent

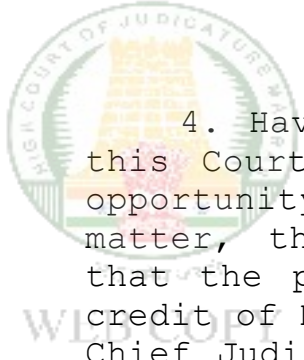
: Mr.R. Shankar Ganesh
: Mr.R. Babu Jeganath

O R D E R

This Criminal Original petition is filed to set aside the impugned order dated 22.01.2015 made in Cr.M.P.No.2163 of 2014 in M.C.No.30 of 2014 on the file of the learned Additional Chief Judicial Magistrate, Madurai.

2. The petitioner is the husband and the respondent is the wife. The respondent, wife has filed a petition for maintenance in M.C.No.30 of 2014 under Section 125 of Cr.P.C. Since the petitioner did not appear, the said petition was allowed ex parte on 03.11.2014. The petitioner herein has filed a petition to set aside the ex parte order passed on 03.11.2014 in Crl.M.P.No.2163 of 2017 and the same was also dismissed, as the petitioner was absent on 09.1.2015 and 22.01.2015 respectively. Challenging the said order the petitioner has filed the present Criminal Original Petition.

3. The learned counsel appearing for the petitioner conceded that the petitioner is prepared to deposit a sum of Rs.2,00,000/- to the credit of proceedings pending in M.C.No.30 of 2014, before the Court below, within a period of four weeks. He has also consented that the respondent may be given permission to withdraw the said amount on its deposit.



4. Having regard to the undertaking given by the petitioner, this Court is convinced that the petitioner should be given an opportunity to conduct the case on merits. In that view of the matter, the Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of M.C.No.30 of 2014, on the file of the learned Additional Chief Judicial Magistrate, Madurai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the respondent is at liberty to withdraw the amount without any security. Since the Maintenance Petition has been filed in the year 2014, the concerned Magistrate is directed to dispose of the M.C.No.30 of 2014, within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Additional Chief Judicial Magistrate, Madurai.

+1cc to Mr.R. Babu Jeganath, Advocate sr.No.93861

+1cc to Mr.R. Shankar Ganesh, Advocate Sr.No.94286

TRP

VB/KK/SAR3/08/01/2018/2P/4C

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