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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.3088 of 2017

and

CrI.M.P. (MD) No.2346 of 2017

Gracelin Ebenezer : Petitioner/Respondent
Vs.

Suthakar Kanidurai : Respondent/Petitioner

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the entire records pertaining to the case in M.C.No.3 of 2017 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

For Petitioner : Mr.R.Anand
For Respondent : Mr.Suthakar Kanidurai
Party-in-person

O R D E R

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

2. It is the case of Suthakar Kanidurai that he got married to Gracelin Ebenezer on 30.04.2007 and has two children through the wedlock. It is his further contention that he has no means to maintain his wife and that his wife has neglected to maintain him. Hence, he has filed M.C.No.3 of 2017 before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, challenging which, Gracelin Ebenezer is before this Court.

3. At the outset, this petition deserves to be allowed on the short ground that under Section 125 of the Code of Criminal procedure, the husband cannot claim maintenance against his wife. Hence, this petition is allowed and the proceedings in M.C.No.3 of 2017 before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



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The Judicial Magistrate,
Valliyoor, Tirunelveli District .

+One cc to Mr.R.Anand, Advocate, SR.No.52223

SML
RL/3C/2P/MR/10.5.2017

Order made in
CRL.O.P. (MD) No.3088 of 2017
and
Cr1.M.P. (MD) No.2346 of 2017

Dated:-
17.04.2017