



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5833 of 2017

and

CrI.M.P. (MD) Nos.3993 and 3994 of 2017

Sreejith.S.G. : Petitioner/Respondent

-Vs-

S.Regis Sreejith Nair : Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the entire records relating to M.C.No.7 of 2016 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and quash the same.

For Petitioner : Mr.D.Christenson Jugunu

O R D E R

The respondent has initiated the proceedings in M.C.No.7 of 2016 before the learned Judicial Magistrate No.II, Kuzhithurai under Section 125 Cr.P.C., against the petitioner. Challenging which, this quash petition has been filed by the petitioner.

2. Heard the learned Counsel appearing for the petitioner.

3. It is the case of the respondent that on 04.09.2013, the petitioner got married to her and thereafter he had neglected to maintain her.

4. The learned Counsel for the petitioner submitted that there was no marriage between the petitioner and the respondent on 04.09.2013 and therefore, the entire proceedings is vitiated.

5. In the considered opinion of this Court, whether there was a valid marriage or not, it is a disputed question of fact, which cannot be seen in a petition filed under Section 482 Cr.P.C. Even long cohabitation is sufficient for proceedings under Section 125



6. In the result, this Criminal Original Petition is devoid of merits and hence, the same is dismissed with liberty to the petitioner to raise all the points before the trial Court. Consequently, the connected Miscellaneous Petitions are also dismissed.

WEB COPY

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II,
Kuzhithurai,
Kanyakumari District.

+ 1 CC TO Mr.D.CHRISTENSON JUGUNU, ADVOCATE IN SR No. 60148

SSL

TE/KKR/SAR-I : 21/06/2017 : 2P/3C

CRL.O.P.(MD) No.5833 of 2017 and
Crl.M.P.(MD)Nos.3993 and 3994 of 2017
13.06.2017