



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)Nos.8048 & 8049 of 2017 and
CRL.M.P.(MD)No.5480 of 2017

J.Jayakumar

... Petitioner/Respondent
in all petitions

-Vs-

1. Soniya

2. Minor Selvi Aadhya

(Rep. By Mother and Natural Guardian
Soniya)

... Respondents/Petitioners
in all petitions

COMMON PRAYER: Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to set aside the common order dated 24.04.2017 made in Crl.M.P.Nos.169 and 170 of 2017 in M.C.No.29 of 2016 on the file of the Additional Chief Judicial Magistrate Court, Madurai.

(in all Crl.O.Ps)

For Petitioner : Mr.M.Suresh Kumar

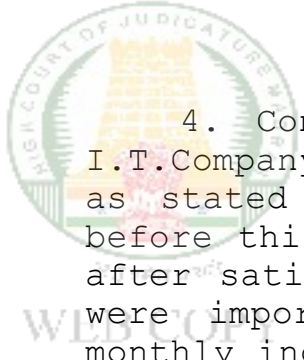
For Respondents : Mr.V.Rajagopal

C O M M O N O R D E R

These Criminal Original petitions are against the orders passed by the learned Additional Chief Judicial Magistrate, Madurai, in Crl.M.P.Nos.169 and 170 of 2017 in M.C.No.29 of 2016, dated 24.04.2017.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. It is not in dispute that the respondents have filed a Maintenance case as against the petitioner seeking Maintenance for the first respondent and her minor daughter/second respondent herein, in M.C.No.29 of 2016. Stating that during the cross examination the petitioner herein purposely did not disclose his exact income and that the petitioner has deliberately shifted his place of work, the petition was filed to reopen the case and to ~~reopen the case~~ ^{compel the petitioner to produce certain documents which are eliminated in the petition.}



4. Considering the fact that the petitioner is working in I.T. Company and that the petitioner denied the quantum of income as stated by the first respondent/wife and that the petitioner before this Court, has shifted his place of work, the lower Court after satisfying that the documents referred to in the petitions were important and relevant to enable the wife to prove the monthly income of the petitioner, the petitions were allowed. The lower Court relied upon the Judgment of the Hon'ble Supreme Court for the proposition that the wife is entitled in law to lead a life as she would have lived in the house of her husband. Cr.M.P.No.169 of 2017 was allowed to reopen the case in full and in so far as the Cr.M.P.No.170 of 2017 is concerned, the petition was allowed only in respect of four documents, namely,

- a) Payment Order from the current employer.
- b) Income Tax returns filed from April 2013 to March 2016.
- c) Salary Certificate from the last one year from January 2016 to February 2017.
- d) Bank Statements showing salary credit details for the last one year from January 2016 to February 2017.

5. This Court is not able to find any irregularity in the order of lower Court to issue summons to the petitioner to produce the documents. In the Maintenance case, the conduct of the first respondent/wife also is relevant. However, the allegation of the learned counsel for the petitioner is that the wife is keen only in getting huge amount from the petitioner, cannot be a reason to doubt the bonafides of the wife in making earnest efforts to get the documents in support of the case to claim Maintenance in the proceedings which are pending before the lower Court.

6. The contention of the petitioner is that the wife has no bonafides in the above application, cannot be countenanced for deciding this case.

7. Having regard to overall circumstances of the case, this Court is not inclined to interfere with the common order passed by the learned Additional Chief Judicial Magistrate, (FAC), Madurai, in Cr.M.P.Nos.169 and 170 of 2017 in M.C.No.29 of 2016, dated 24.04.2017. Hence, the Criminal Original petitions are dismissed.

8. The learned counsel for the petitioner states that the petitioner is working at Chennai and that therefore, his appearance may be dispensed with.

<https://hcservices.ecourts.gov.in/hcservices/>

9. Considering the nature of the grievance expressed before this Court by the learned counsel for the petitioner, the



appearance of the petitioner is dispensed with, unless or until it is specifically required by an Order of Court. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

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Sub Assistant Registrar.

To

1. The Additional Chief Judicial Magistrate,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.R.Murali, Advocate, SR.No.76711

+1CC to Mr.V.Ramanan, Advocate, SR.No.76913

CRL.O.P.(MD)No.8048 & 8049 of 2017

05.09.2017

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