



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.07.2017
CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

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Crl.O.P.(MD) No.9907 of 2017 and
Crl.M.P(MD).Nos.6765 and 6766 of 2017

Abdul Razik

... Petitioner

-Vs-

1. Hajira
2. Minor Sana Absin
(rep. by 1st respondent, mother as
natural guardian)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in M.C.No.25 of 2017 on the file of the Chief Judicial Magistrate, Ramanathpuram and quash the same.

For Petitioner : Mr.A. Robinson

O R D E R

This Criminal Original petition is filed to call for the records pertaining to the case in M.C.No.25 of 2017 on the file of the Chief Judicial Magistrate, Ramanathpuram and quash the same.

2. Heard the learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner states that the petitioner is working in abroad and therefore, the proceedings which are pending for maintenance should be stayed. The said submission has no merits. Though, this Court was inclined to issue notice earlier to the respondents, the petitioner himself has enclosed the order passed by this Court in Crl.M.P(MD).No.2946 of 2017 in Crl.O.P(MD).No.2128 of 2017, wherein this Court has observed as follows:-

"When the matter was mediated by me, the dispute between the parties have been settled. In the Mediation, the petitioner was agreed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the de facto complainant and further he was agreed to pay a sum of Rs.15,000/- per month towards monthly maintenance for his wife and children as he was working in Bahrain. However, now since he lost his job, he is not able to pay the monthly



* "Today, the learned counsel appearing for the petitioner submitted that petitioner has paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the de facto complainant and the de facto complainant has also received the same. The said submission is recorded."

3. Considering the facts and circumstances of this case, the condition imposed on the petitioner is totally relaxed. With regard to the maintenance is concerned, the parties are directed to workout their remedy before the appropriate forum."

4. The petitioner himself now admit that his submission made before this Court earlier, that the petitioner is without any job was considered and that it was only on that basis, after recording the payment of Rs.5,00,000/-, there was some leniency shown to the petitioner to relax the condition. This Court has specifically directed the parties to work out their remedy regarding maintenance before appropriate forum. Now, the petitioner has come out with another story that the petitioner is in abroad in relation to his job and therefore, the proceedings for maintenance should be quashed. Since there is no bonafide in the petitioner's case, this Court is not inclined to entertain this petition. Even as per the order of this Court, the respondent can maintain the proceedings for maintenance and hence, there is no scope for quashing the proceedings.

5. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. However, the petitioner is at liberty to file appropriate petition for dispensing with the presence before the concerned Court.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To
The Chief Judicial Magistrate,
Ramanathapuram.

+1 cc to Mr.A.Robinson , Advocate in SR.No. 69056

trp
AE/SKN/SAR3/23.08.2017/2P/3C