

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20150 of 2018

and

C.M.P.Nos.10745 & 10746 of 2018

K.Saravanakumar

.... Petitioner /Respondents

Vs.

1.S.K.Abhilasha

2.Durga

Reb by her Natural Gudardian,
S.K.Abhilasha

... Respondents/ Petitioner

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with the case in M.C.No.39 of 2017 pending on the file of the learned Judicial Magistrate, Tambaram and quash the same.

For Petitioner : Mr.N.Sathish Babu

ORDER

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

2. Saravanakumar got married to Abhilasha on 15.09.2005 and they have one daughter, viz., Durga. The couple got estranged on account of matrimonial discord and therefore, Abhilasha has filed M.C.No.39 of 2017 before the Judicial Magistrate Court, Tambaram under Section 125 Cr.P.C., claiming maintenance for herself and her daughter against Saravanakumar. Under such circumstances, Saravanakumar is before this Court for quashing the maintenance proceedings.

2. Heard Mr.N.Sathish Babu, learned counsel for the petitioner, who fairly submitted that Saravanakumar is not in India, but he is working in U.S.A. He further submitted that on account of the present visa problem in U.S.A, if Saravanakumar comes to India, there is every possibility of him losing his job. He further submitted that if Saravanakumar loses

his job, it will cause prejudice to both sides. Under normal circumstances, this Court would not entertain an application challenging the institution of a petition under Section 125 Cr.P.C. However, this Court is of the considered view that Abhilasha and her daughter should get some interim relief.

3. Therefore, this Court permits Saravanakumar to give Power of Attorney to his father, who shall appear in M.C.No.39/2017, before the Judicial Magistrate Court, Tambaram. Saravanakumar's father shall deposit Rs.10,000/- (Rupees Ten Thousand only) as ad-interim maintenance without prejudice to their defence to the credit of M.C.No.39 of 2017 before the 5th of every English Calendar month. For the month of August 2018, the amount can be deposited together with the amount for September, 2018 on or before 05.09.2018 [Rs.20,000/-]. On such deposit, Abhilasha will be entitled to withdraw the same. The Power Agent shall file his counter on behalf of Saravanakumar and for giving evidence, Saravanakumar, should appear before the trial Court. The sum of Rs.10,000/- is only an ad-interim maintenance till disposal of M.C.No.39 of 2017 and the trial Court can fix the final maintenance amount after taking due evidence.

4. The power of attorney of Saravanakumar shall appear before the trial Court on 30.08.2018.

5. With the above direction, this petition is ordered accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate,
Tambaram.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.56786

Crl.O.P.No.20150 of 2018

and

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NRJK (CO)
GSP (20/08/2018)