IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL. O.P.NO.29002 OF 2010

1. Rajendran
2. Kanniammal
3. Ramalingam
4. Sakunthala ...Petitioners

vs.

1. State by
   Inspector of Police
   Marakkanam police station in
   Cr.No.798/09
   U/s.147,323, 506(i) IPC & Sec.4 of
   T.N.P.Harassment of Women Act.

2. Meenakshi ...Respondents

Prayer:

Criminal OP is filed under Section 482 of Cr.P.C, praying this Hon'ble Court to call for the records relating to CC.No.24/2010 on the file of Judicial Magistrate No.II, Tindivanam and to quash the criminal proceedings in CC.No.24/2010 on the file of Judicial Magistrate No.II, Tindivanam.

WEB COPY

For Petitioners : M/s.J.R.K.Bhavanantham & K.Boopalan
For Respondents : Mr.T.Shunmuga Rajeswaran,
Government Advocate (criminal side)
for R1.
Mrs.V.Alamelu for R2

http://www.judis.nic.in

ORDER

When the matter is taken up for hearing, a memo has been filed by the first Petitioner as well as the second respondent as follows:

> "The Petitioner filed the above O.P. to quash the criminal proceedings in C.C.No.24 of 2010 on the file of Judicial Magistrate No.II, Tindivanam initiated on the complaint lodged by the 2nd respondent wife of 1st petitioner the Defacto complainant herein. They have been living together for the past three years. The 1st petitioner undertakes to maintain the 2nd respondent at his cost and earnings. As requested by the 2nd respondent the 1st petitioner agreed to give the sum of Rs.50,000/- within two months by way of settling all her claims. On payment of the above said amount the 2nd respondent gives up her claim against the 1st respondent for the sum of Rs.1,500/- per month in pursuant to the order passed dated 06.04.2010 in M.P. No.1 of 2009 on the file of JM-II Villupuram."

2. The counsel for the petitioner has also produced the order of this Hon'ble Court in Crl.R.C.No.333 of 2011 dated 27.06.2018, wherein, this Court was pleased to pass an order on the proceeding pending before the learned Judicial Magistrate No.II, Villupuram between the parties herein in C.C.No.1 of 2009 in the following terms.

> "14. The Trial Court has directed the petitioner to pay a sum of Rs.1,500/- per month as maintenance from the date of the passing of the order and also directed the petitioner to pay a sum of Rs.10,000/-

WEB COPY

http://www.judis.nic.in

per year towards the medical and other expenses. The learned counsel for the petitioner is not in a position to inform this Court as to whether any maintenance is being paid by the petitioner to the respondent. This Court therefore directs the petitioner to pay to the respondent directly 50% of the arrears of maintenance calculated from 06.04.2010 till date and also 50% of the yearly expenses ordered by the court from 2010 onwards. This payment shall be made within a period of six weeks from the date of receipt of copy of this order.

15. This Court deems it fit to condone the delay of 25 days in filing the appeal by the petitioner. The Principal Sessions Judge, Villupuram is directed to take the appeal on file and number and issue notice to the respondent. However, before issuing notice, the Principal Sessions Judge, Villupuram, has to ensure that the petitioner has complied with the above directions given by this Court. If the petitioner does not comply with the above directions, the appeal shall not be entertained by the Sessions Court.

16. This Criminal Revision Petition is allowed, in terms of above directions".

B.PUGALENDHI, J.

bga

WEB COPY

3. Recording the same, this petition is closed as no further order is required. Consequently, connected miscellaneous petition, if any, is closed.

03.12.2018

http://www.judis.nic.in

Index : Yes/No
Internet:Yes/No
bga

To

1. The Judicial Magistrate No.II, Tindivanam

2. Inspector of Police,
   Marakkanam police Station

CRL. O.P.NO.29002 OF 2010

WEB COPY

http://www.judis.nic.in