

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4879 of 2018
and Crl.M.P.No.2602 & 13335 of 2018

M.Senthilkumar

...Petitioner

Vs.

1.Priyalakshmi

2.Minor S.Yashvi Maya

3.Minor S.Aradhaya

(Rep.by their mother/1st respondent)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the proceedings in Maintenance petition vide M.C.No.273 of 2017 on the file of the Hon'ble VI Family Court, at Chennai and quash the same.

For Petitioner : Mr.J.Ravi Shankar

For Respondent : Mr.S.Arivazhagan
M.Venkatesh

O R D E R

This petition has been filed seeking to quash the proceedings in M.C.No.273 of 2017, on the file of the VI Family Court, Chennai.

2 This petition has been filed by the husband solely on the ground that the first respondent had given up her right for claiming maintenance before the Circuit Court of the city of Alexandria in U.S.A on 16.09.2015 and therefore, the respondent wife cannot claim any maintenance from the petitioner.

3 It is seen from the records that there are two girl children aged about 7 years and 3 years respectively, who are maintained by the respondent. The petitioner is trying to take advantage of the order passed by the Foreign Court and the effect of the said order has to be put to test only before the Court below and this Court cannot interfere with the proceedings initiated by the respondent wife at this stage.

4 This Criminal Original Petition is disposed of, with a direction to the Court below to complete the proceedings in M.C.No.273 of 2017, within a period of three months from the date of receipt of a copy of this order. It is left open to the petitioner to raise all the contentions before the Court below and the Court below shall consider the same on its own merits and in accordance with law. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

The VI Family Court, Chennai.

+1 cc to M/s.S.Arivazhagan, Advocate, S.R.No.88150

CrI.O.P.No.4879 of 2018
and CrI.M.P.No.13335 & 2602 of 2018

CP(CO)
SSM(10/01/2019)



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