

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
Dated : 25.10.2018

CORAM:  
THE HONOURABLE MR. JUSTICE P.VELMURUGAN  
Crl.R.C.No.1585 of 2013

G.Natarajan

...Petitioner

Vs.

1. Jothi
  2. Sennammal
  3. Minor Thilaga
  4. Minor Maheswari
- (Minors 3 & 4 are represented by Guardian and Mother viz. the first respondent)

... Respondents

Prayer: The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order made in C.M.P.No.11826 of 2013 on the file of the Judicial Magistrate Court No.1, Thiruvannamalai, dated 19.11.2013.

For Petitioner : Mr.K.A.Ravindran

ORDER

This criminal revision has been filed seeking to set aside the order dated 19.11.2013, passed by the Judicial Magistrate No.1, Thiruvannamalai, in C.M.P.No.11826 of 2013.

2 The learned counsel for the petitioner would submit that the second respondent got married and she is not entitled for maintenance. Further, the respondents filed the miscellaneous petition under Section 128 Cr.P.C. and hence the Magistrate cannot issue warrant against the petitioner, in the case of this nature. The learned counsel reiterated that the respondents should have filed the petition under Section 125(3) Cr.P.C., within the period of one year and hence the order of the learned Magistrate is liable to be set aside.

3 Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4 On a perusal of the records, it reveal that the petitioner had not complied with the order of the learned Magistrate, even after filing of the petition by the respondents in Crl.M.P.No.11826 of 2013. The revision is pending from the year 2013 and till now the petitioner has not even taken any steps to serve notice on the respondents as ordered by this Court, which shows that the petitioner is protracting the case. Considering the nature of the claim and the order of the

Magistrate in Crl.M.P.No.5108 of 2011, wherein interim maintenance was granted, this Court is not inclined to allow this revision and the same is hereby dismissed.

Sd/-  
Assistant Registrar

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Sub Assistant Registrar

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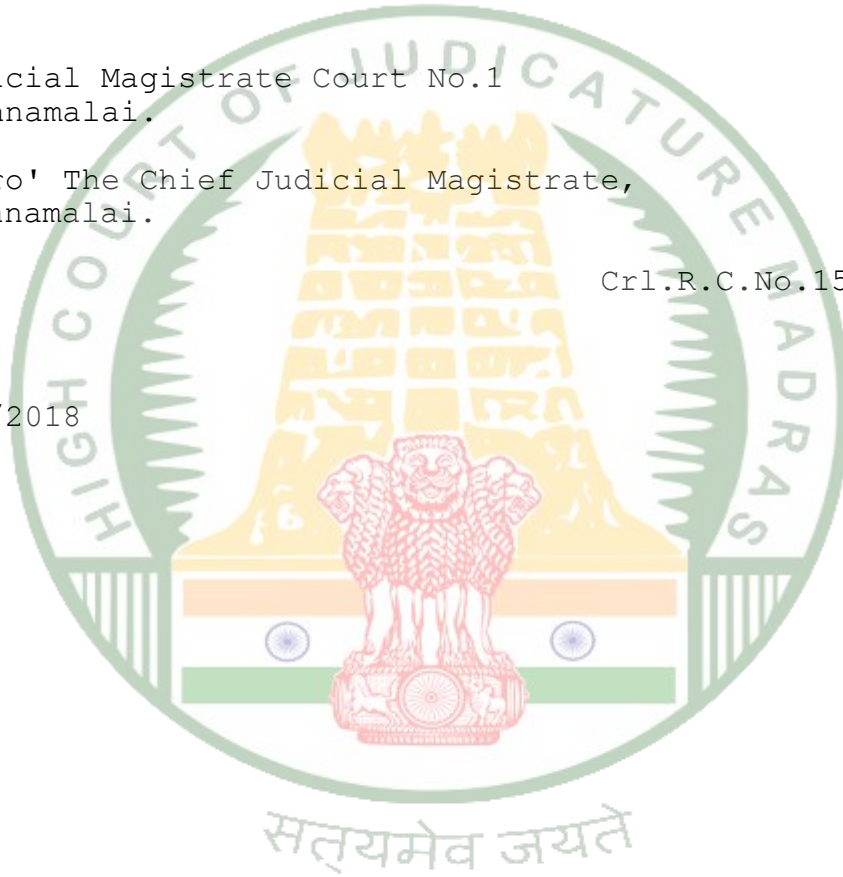
To

- 1.The Judicial Magistrate Court No.1  
Thiruvannamalai.
- 2.-Do- thro' The Chief Judicial Magistrate,  
Thiruvannamalai.

Crl.R.C.No.1585 of 2013

VD(CO)

rrs 14/12/2018



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