

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.6604 of 2018
and
Crl.M.P.Nos.3386 and 5558 of 2018

N.Unnikrishnan

.. Petitioner

Vs

Deepa Rajendiran

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside order in M.P.No.292 of 2016 in M.C.No.348 of 2013 on the file of the V Additional Family Court, Chennai, dated 01.02.2018.

For Petitioner : Mr.Balaji
for M/s.Thenmozhi Shiva Perumal
For Respondent : Mr.R.Srinivas

O R D E R

This Criminal Original Petition has been filed to set aside the order in M.P.No.292 of 2016 in M.C.No.348 of 2013 on the file of the V Additional Family Court, Chennai, dated 01.02.2018.

2. Shorn of unnecessary details, it would suffice to state that the matrimonial life of Unnikrishnan and Deepa, ran into rough weather, resulting in Deepa initiating proceedings in M.C.No.348 of 2013 under Section 125 of Cr.P.C against Unnikrishnan, which is pending adjudication before the V Additional Family Court, Chennai. In order to prove the economic status of Unnikrishnan, Deepa took out an application in M.P.No.292 of 2016 in M.C.No.348 of 2013, for a direction to the employer of Unnikrishnan to produce his salary details. Unnikrishnan agreed to submit the salary details himself and therefore, no formal orders were passed in M.P.No.292 of 2016 for quite some time. Ultimately, since Unnikrishnan, did not come forward to give his salary particulars, the trial Court passed the following order on 01.02.2018 which reads as follows :

"1.2.18

Petitioner Wife present

Respondent Husband absent

Even though conditional order was passed in the previous hearing, the respondent has not appeared before this court hence this petition

is allowed."

3. Pursuant to the order dated 01.02.2018, the trial Court has issued subpoena to the Managing Director, I Space Global Services (India) Limited, * **presently Cotivity India Pvt.Ltd.**, Hyderabad, to come in person and produce the monthly salary statement of Unnikrishnan from 2013 till date. Aggrieved by the subpoena, Unnikrishnan is before this Court.

4. Heard Mr.Balaji, learned counsel for Unnikrishnan and Mr.R.Srinivas, learned counsel for Deepa.

5. Mr.Balaji, learned counsel for Unnikrishnan submitted that the trial Court has issued subpoena to the Managing Director and has called upon him appear in person and submit the salary particulars, which will cause undue prejudice to Unnikrishnan inasmuch as the Managing Director may even sack him from service. There appears to be merit in the submission of Mr.Balaji.

6. However, Mr.Srinivas, contended that the trial Court was forced to issue subpoena on account of failure of Unnikrishnan to submit his salary particulars, which he had undertaken to give in M.P.No.292 of 2016 before the trial Court.

7. This Court gave its anxious consideration to the rival submission. In a proceedings under Section 125 of Cr.P.C, it is imperative for the trial Court to know the economic status of the husband, for the purposes of determining the maintenance amount.

8. Mr.Balaji, submitted that Unnikrishnan, is ready and willing to submit his salary particulars.

9. Accepting his submission, Unnikrishnan is directed to submit his salary particulars from 2013 till date, including the incentives and perquisite details. It is not necessary for the Managing Director of I Space Global Services (India) Limited, * **presently Cotivity India Pvt.Ltd.**, Hyderabad, to come in person for handing over the salary particulars of Unnikrishnan. Therefore, the Managing Director of I Space Global Services (India) Limited, * **presently Cotivity India Pvt.Ltd.** Hyderabad, is directed to send a duly attested statement showing the salary particulars of Unnikrishnan from 2013 till date, including the incentives and perquisites, through a Ministerial Officer under him. The salary particulars so sent to the trial Court, can be marked as an exhibit and reliance can be placed upon the same without examining any witness in this regard, since an enquiry under Section 125 of Cr.P.C is a summary one and the Family Court is not bound by the Evidence Act. The Managing Director, I Space Global Services (India) Limited, * **presently Cotivity India Pvt.Ltd.** Hyderabad, is directed to send the particulars stated above to the V Additional Family Court, Chennai, within a

period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-II)
18.06.2018

***Corrected as per order of
this Court dated 01.08.2018
made in**

**CrI.M.P.No.9679 of 2018 //True Copy//
-s/d-**

**Assistant Registrar(CS-II)
dated 16.08.2018**

Sub Assistant Registrar

To

1. The Managing Director,
I Space Global Services(India)Limited,
Presently Cotivity India Pvt.Ltd.,
Hyderabad
[Now called as I Space Global
Solutions (P) Ltd.,
1st Floor, Capital, 7-1-79/80,
Ameerpet, Hyderabad- 500 016]

**To be Substituted
to the Order already
Despatched on
18.06.2018**

2. The Vth Additional Family Court,
Chennai.

+1cc to Mr.Thenmozhi Shiva Perumal,
Advocate Sr.No.34754

+1cc to Mr.R.Srinivas, Advocate Sr.No.34763

CRL.O.P.No.6604 of 2018
and

CrI.M.P.Nos.3386 and 5558 of 2018

sm:18.6.2018
CS/20/08/2018

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