

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.7535 of 2013
and MP.No.1 of 2013

R.Chandrasekar

... Petitioner

Vs.

G.Shanmugapriya

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in M.C.No.18 of 2012, on the file of Judicial Magistrate, Sathyamangalam and quash the same.

For Petitioner : M/s.P.Rajathi
For M/s.C.Veeraraghavan

For Respondent : No appearance

O R D E R

This petition has been filed by the respondent to quash the proceedings in M.C.No.18 of 2012, on the file of the Judicial Magistrate, Sathyamangalam.

2. The learned counsel for the petitioner herein has submitted that the respondent herein is working as a teacher in a private school and she is getting a monthly income of Rs.4,250/- (Rupees Four thousand Two Hundred and Fifty Only) as salary and as such, she is not entitled to claim maintenance from the petitioner herein, but, she has filed a petition under Section 125 of Cr.P.C in M.C.No.18 of 2012 on the file of the Judicial Magistrate, Sathyamangalam, claiming maintenance of Rs.20,000/- (Rupees Twenty Thousand only) per month from the petitioner herein and hence, she requested to quash the proceedings in M.C.No.18 of 2012.

3. If the Petitioner is having any evidence to show that the respondent herein is having sufficient income to maintain herself, he has to produce the same before the trial Court. Instead of doing so, he should not have approached this Court by filing petition under Section 482 of Cr.P.C. to quash the maintenance case. Therefore, this petition is liable to be dismissed.

4. In the result, the Criminal Original Petition is dismissed. The petitioner is directed to produce his evidence before the trial Court. Since the maintenance case is pending from the year 2012, the Judicial Magistrate, Sathyamangalam, is directed to dispose of the said maintenance case in M.C.No.18 of 2012 as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No costs.

Sd/--

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Judicial Magistrate,
Sathyamangalam.

2.The Public Prosecutor,
High Court, Madras.

VSNII(CO)

sm:11.9.2018

Cr1.O.P.No.7535 of 2013
and MP.No.1 of 2013



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