

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM:
THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.14963 of 2018 & Crl.M.P. Nos.7548 & 7549 of 2018

D. Mahendran

Petitioner

vs.

1 Sujatha

2 Minor Iniya Sri
D/o Mahendran

Represented by n.f. Guardian mother Sujatha Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the entire records pursuant to the proceedings in C.M.P. No.45 of 2018 in M.C. No.69 of 2011 pending on the file of the Family Court, Salem and quash the same.

For petitioner Mr. T.P. Prabakaran

ORDER

Challenging the very petition in C.M.P. No.45 of 2018 in C.M.P. No.27 of 2016 in M.C. No.69 of 2011 filed before the Family Court, Salem by the first respondent herein seeking arrears of maintenance, this petition has been filed by Mahendran, the husband of the first respondent herein.

2 Heard Mr. T.P. Prabakaran, learned counsel for the petitioner, who submitted that after the Family Court passed final

P.N. PRAKASH, J.

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orders in M.C. No.69 of 2011 on 28.11.2014 awarding maintenance to the first respondent, the petitioner and the first respondent rejoined and started living together for some time and thereafter, they got separated. Therefore, the learned counsel for the petitioner submitted that the very petition in C.M.P. No.45 of 2018 is not maintainable.

3 In the opinion of this Court, a petition cannot be the subject matter of challenge in a proceeding under Section 482 Cr.P.C. It is open to the petitioner to appear before the Family Court, Salem and contest the petition in C.M.P. No.45 of 2018 that has been filed by the first respondent herein.

Hence, this petition is closed with liberty to the petitioner to raise all the points before the Family Court, Salem, provided no final orders have been passed in C.M.P. No.45 of 2018, as of today. Connected Crl.M.P. Nos. are closed.

07.06.2018

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To
The Family Court
Salem

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