

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15601 of 2018

AND

CRL.MP.Nos.7955 & 7956 of 2018

Dastagir Khan .. Petitioner
Vs

1.Shakila Banu

2.Shager Khan
minor rep. by his next friend and
natural mother 1st respondent .. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the maintenance petition in M.C.No.28 of 2018 on the file of the Family Court, Pondicherry.

For Petitioner : Mr.Aditya Varadarajan

O R D E R

This petition has been filed to quash the proceedings in M.C.No.28 of 2018 on the file of the Family Court, Pondicherry.

2.For the sake of convenience, the parties are referred to by their name. Shakila Banu has initiated proceedings in M.C.No.28 of 2018 against Dastagir Khan, claiming maintenance for herself and two children. Against which, Dastagir Khan has filed this petition to quash the proceedings.

3.Mr.Adithya Varadarajan, learned counsel appearing for Dastagir Khan submitted that there was no marriage solemnised between Shakila Banu and Dastagir Khan and they are only having an affair.

4.In the opinion of this Court, the proceedings in M.C.No.28 of 2018 cannot be quashed at the threshold and it is for the trial Court to go into the disputed questions of fact and give a finding. Hence, this petition is closed with liberty

to Dastagir Khan to raise all the points before the trial Court. Dastagir Khan shall appear before the trial Court within two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for Rs.5,000/- without sureties. If thereafter, Dastagir Khan absconds, a fresh FIR can be registered against him under Section 229-A of IPC. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gya

To
The Judge,
Family Court, Pondicherry.

+1cc to Mr.A.E.Ravichandran, Advocate SR.No.37795

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RJ(CO)
GN(27/06/2018)



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