

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

CORAM:

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

CrI.O.P.No.16029 of 2018

Madina Banu

Petitioner

Vs.

1. Imrana Begum

2. Zineta Zaara (Minor)

Represented by her mother Imrana Begum

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to call for the records and Quash the proceedings in MC 254 of 2017 on the file of the learned V Additional Family Court, Chennai.

For petitioner : Mr. Ashf Aq Rafi

For Respondents : Mr. P. Suresh Kumar

ORDER

This Criminal Original Petition has been filed to call for the records in M.C.No.254 of 2017 on the file of the learned V Additional Family Court, Chennai, and quash the same.

2. Imrana Begum got married to Zaheer Hussain on 14.04.2014 and the couple have one child, viz., Zineta Zaara. On account of matrimonial discord, the couple got estranged. It is the case of Imrana Begum that her husband had deserted her and therefore, she filed M.C.No.254 of 2017 in the Family Court, Chennai under Section 125 Cr.P.C. against her husband Zaheer Hussain and her sister-in-law Madina Banu. After receiving notice from the Family Court, Madina Banu is before this Court for quashing the proceedings on the ground that she cannot be arrayed as a party in a proceedings under Section 125 Cr.P.C..

3. On notice, Imrana Begum is present before this Court. She has entered appearance through Advocate Mr.P.Suresh Kumar.

4. Learned counsel for Imrana Begum submitted that M.C.No.254 of 2017 has been finally disposed of by the V Additional Family Court, Chennai on 14.06.2018 and an ex parte order of maintenance has been passed against Zaheer Hussain [husband] and no orders have been passed as against Madina Banu. Since an ex parte order has been passed, Zaheer Hussain may file an application for setting it aside under Section 126 (2) Cr.P.C.

5. As rightly pointed out by the learned counsel for Madina Banu, in a proceedings under Section 125 Cr.P.C., the family members of the husband cannot be shown as parties.

In the result, this petition is allowed and the proceedings in M.C.No.254 of 2017 on the file of the V Additional Family Court, Chennai, is hereby quashed as against the petitioner herein.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gms

To

1. The V Additional Family Judge, Chennai.
2. The Public Prosecutor, High Court, Madras.

+1cc to Mr.ASHFAQ RAFI, Advocate, S.R.No. 48153

Cr1.O.P.No.16029 of 2018

TR(03/08/2018)

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