

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 26436 of 2018
and
Crl.M.P.No. 15199 & 15201 of 2018

Lakshmana SundarPetitioner/ Respondents
Vs.

1.D.Aiswarya
D/o.A.M.V.Duraiirajan.

2.Minor Sajanth
Rep. By his defacto natural guardian
and mother D.AiswaryaRespondents/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records related to M.C.No.6 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Vedharanyam and to quash the same in view of the proceedings on the petitioner.

For Petitioner : Mr. R.BalaGuruswamy

For Respondent : No appearance.

O R D E R

This petition has been filed challenging the proceedings in M.C.No.6 of 2018 wherein the respondents have claimed maintenance amount of Rs.40,000/- from the petitioner. The 1st respondent is the wife and the 2nd respondent is the minor son.

2.The learned counsel for the petitioner would submit that the marriage was solemnized in the year 2012 and the child was born in the year 2013. From the year 2016 onwards, the 1st respondent is living with her parents along with the minor son. The entire allegation made against the petitioner is that there is demand of dowry by the petitioner and his parents. The learned counsel for the petitioner would submit that the maintenance claimed by the respondents is excessive and the 1st respondent has also filed a petition under Domestic Violence Act

and the same is pending before the very same Court in D.V.O.P.No.2 of 2018.

3. The grounds raised by the petitioners are all factual in nature and this Court cannot go in to the same at this stage. It is for the petitioner to establish before the Court below that the maintenance amount claimed is excessive.

4. In view of the above, this Court is not inclined interfere with the proceedings in M.C.No.6 of 2018, on the file of the learned Judicial Magistrate, Vedaranyam, Nagapattinam District, at his stage. The Court below is to directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

5. The Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rm/kmm

To

1.The District Junsif-cum Judicial Magistrate,
Vedaranyam,
Nagapattinam District.

2.The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

+1cc to Mr.R.Balaguruswami, Advocate SR.No.78421

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SSV(CO)
GMY(06/12/2018)