

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Second day of October Two Thousand and Eighteen
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.8268 and 8269 of 2018

IN

CRL RC(MD) No.485 and 486 of 2018

S. SARAVANAKUMAR

...Petitioner in both Cases

Vs.

RANI

...Respondent/Complainant in both cases

Prayer in CRL MP(MD)NOS. 8268 and 8269 of 2018:

Criminal Miscellaneous Petitions are filed under section 482 of Criminal Procedure Code praying this Hon'ble Court to grant an order of extension of time for depositing an amount of Rs.1,00,000/- before the learned Family Court, Dindigul in M.C.No.32 of 2015, as per the order passed by this Honourable Court dated 14/08/2018 in the above Crl.R.C.(MD) NO.485/2018 respectively.

Prayer in CRL MP(MD)NOS. 485 and 486 2018 :

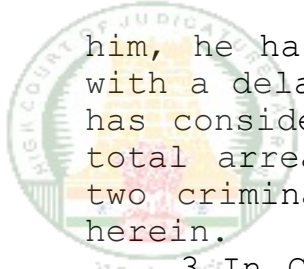
Criminal Revision Cases are filed under section 397 read with section 401 of the code of Criminal Procedure, to call for the records pertaining to the conditional order in CRL.M.P Nos.310 and 311 of 2017 respectively in M.C.No.32 of 2015 dated 01.02.2018 passed by the Family Court, Dindigul and consequential dismissal order dated 15.02.2018 and set aside the same.

ORDER:

These Petitions coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of M/s.R.ARAVIND RAJ, Advocate for the petitioner, this Court made the following order:

These miscellaneous petitions have been filed to seek extension of time for depositing a sum of Rs.1,00,000/- before the learned Family Court, Dindigul in M.C.No.32 of 2015.

2.This Court while allowing Crl.R.C(MD) Nos.485 and 486 of 2018 on 14.08.2018, directed the revision petitioner to deposit a sum of Rs.1,00,000/- on or before 15.09.2018 as precondition to condone the delay of 72 days in filing the criminal revision to set aside the common order passed by the trial Court in Crl.M.P.Nos.310 and 311 of 2017. The revision petitioner herein has not complied with the conditions and now he has filed the applications for extension of time, without expressing any specific date before which he could deposit the money. The dispute between the petitioner and the respondent is in respect of domestic violence and financial assistance ordered by the Family Court in M.C.No.32 of 2015 dated 02.11.2016. Contending that an ex parte order was passed against



him, he has filed the applications to set aside the ex parte order with a delay of 250 days. In the said applications, the trial Court has considered the request and directed him to deposit 1/3rd of the total arrears amount on or before 14.02.2018. Aggrieved by that, two criminal revision cases were filed by the revision petitioner herein.

3. In Crl.R.C(MD) Nos.485 and 486 of 2018, this Court, in order to provide opportunity to the revision petitioner to condone the delay of 72 days in preparing the criminal revision cases, directed him to deposit a sum of Rs.1,00,000/- on or before 15.09.2018. Now, after the expiry of the period, these applications are taken out for extension of time without expressing any clear intention of depositing the money and it is a clear abuse of process of law. The petitioner resorted to drag the proceedings by filling the petitions, but wantonly breach the undertaking given to the Court.

4. This Court finds no merit in these petitions. Hence, the criminal miscellaneous petitions are dismissed.

5. Since the petitioner has failed to comply with the condition imposed in the common order dated 14.08.2018 passed in Crl.R.C(MD) No.485 and 486 of 2018, Crl.R.C(MD) Nos.485 and 486 of 2018 are dismissed. The trial Court is hereby directed to enforce the order passed in M.C.No.32 of 2015 dated 02.11.2016, by 13.11.2018 and report about the action taken in this regard to the Registry.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

TO
THE JUDGE,
FAMILY COURT, DINDIGUL.

Copy To:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+ 1 CC TO Mr.R.ARAVIND RAJ , ADVOCATE IN SR No. 91189.

ORDER DATED :22/10/2018

ORDER

CRL MP(MD) No.8268 and 8269 of 2018
IN

CRL RC(MD) No.485 and 486 of 2018