



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD) No.896 of 2017

and

Cr1.M.P.(MD) No.10934 of 2017

Subbiah ... Petitioner / Petitioner / Respondent

vs.

Panchammal ... Respondent / Respondent / Petitioner

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order passed by the learned District Munsif-cum-Judicial Magistrate, Andipatti, in Cr.M.P.No.6374 of 2017, dated 18.09.2017 in M.C.No.13 of 2010 and set aside the same.

For Petitioner : Mr.A.Jayaramachandran

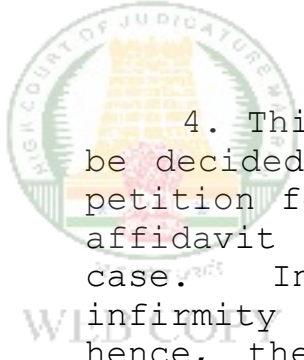
For Respondent : No appearance

O R D E R

Panchammal got married to Subbiah nearly 35 years back and they have four children through the wedlock. Their marital life ran into rough weather, resulting in the couple getting estranged. Panchammal initiated proceedings under Section 125 Cr.P.C., in M.C.No.13 of 2010, before the learned Judicial Magistrate, Andipatti, against Subbiah and the proceedings are still pending. While so, Subbiah filed Cr.M.P.No.6374 of 2017 for sending the signature of Panchammal found in the vakalat and proof affidavit for comparison, which has been dismissed by the Trial Court, by order dated 18.09.2017. Challenging the same, Subbiah has preferred the present revision.

2. Mr.A.Jayaramachandran, learned counsel for the petitioner, submitted that Panchammal has deserted the petitioner 30 years back and he has settled all his properties in favour of his children and he himself is aged about 62 years.

3. Be that as it may, the fact remains that the proceedings under Section 125 Cr.P.C., are summary in nature. The petitioner has not seriously disputed the marital relationship with Panchammal. The only contention of the petitioner is that there are four children born through the wedlock, after which Panchammal deserted him and went on her own volition and therefore, she would not be entitled to maintenance.



4. This Court is not going into those aspects as they have to be decided only by the Trial Court. Suffice it to say that the petition for sending the signature found in the vakalat and proof affidavit will have no bearing on the facts in dispute in this case. In such circumstances, this Court does not find any infirmity in the impugned order passed by the Trial Court and hence, the criminal revision is dismissed with liberty to the petitioner to raise all the points before the Trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

The District Munsif cum Judicial Magistrate,
Andipatti.

KRK

VB/KK/SAR2/22/01/2018/2P/2C

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