



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.R.C. (MD) No. 933 of 2017andCrl.M.P. (MD) No. 11370 of 2017

S.Ganesan : Petitioner / Petitioner / Respondent
-Vs.-

1.Syed Masood

2.Minor Santhana Sankar

3.Minor Kathirvel : Respondents/Respondents/petitioners

[Minor respondents 2 and 3 are represented through their next friend and natural guardian and mother namely the first respondent herein]

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to set aside the order passed in Crl.M.P.No.1935 of 2017 in M.C.No.23 of 2012 dated 19.05.2017 on the file of the Chief Judicial Magistrate Court, Ambasamudram, by allowing this Criminal Revision Case.

For Petitioner : Mr.H.Arumugam
For Respondents : No appearance

O R D E R

The respondents initiated proceedings in M.C.No.23 of 2012 before the learned Judicial Magistrate, Ambasamudram, under Section 125 Cr.P.C., against the petitioner herein. During the course of enquiry in M.C.No.23 of 2012, the petitioner herein filed Crl.M.P.No.1935 of 2017 in M.C.No.23 of 2012 for sending admitted signatures of the first respondent to the Hand-Writing Expert for comparison of the same with the signature in the Divorce Mochalikka dated 24.01.2012. According to the petitioner, there was a Divorce Mochalikka on 24.01.2012 between the petitioner and the first respondent and therefore, the petitioner is not liable to pay maintenance under Section 125 Cr.P.C..

2. It is the further case of the petitioner that the first respondent denied her signature in the Divorce Mochalikka dated 24.01.2012 and therefore, the same should be sent to the Hand-Writing Expert for comparison with the admitted signatures of the first respondent. The trial Court, by order dated 19.05.2017 in



WLB COPY

Crl.M.P.No.1935 of 2017 in M.C.No.23 of 2012 has dismissed the petition, challenging which, the petitioner herein has filed Crl.R.C.No.13 of 2017 before the first Additional District and Sessions Judge, Tirunelveli. The first Additional District and Sessions Judge, Tirunelveli, has dismissed Crl.R.C.No.13 of 2017 on 16.08.2017 on the ground that the order passed by the Chief Judicial Magistrate, in Cr.M.P.No.1935 of 2017 is only an Interlocutory Order and therefore, the revision is not maintainable under Section 397(2) Cr.P.C.. The petitioner has once again challenged the same impugned order in Crl.M.P.1935 of 2017, by filing the present Criminal Revision Case before this Court.

3. In view of Section 397(3) Cr.P.C., the present Criminal Revision Case is not maintainable. That apart, in a proceeding under Section 125 Cr.P.C., the question of sending the documents to the Hand-Writing Expert does not arise, because, the scope of enquiry is very limited as to whether the husband had neglected to maintain his family.

4. In such view of the matter, this Criminal Revision Case is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is dismissed. The Chief Judicial Magistrate, Ambasamudram, is directed to complete the proceedings in M.C.No.23 of 2012 expeditiously, within a period of six months, from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Ambasamudram.

+1cc to Mr.H.Arumugam, Advocate Sr.No.54982

SM

VB/KKR/SAR1/26.03.2018/2P/3C

Order made in
Crl.R.C. (MD) No.933 of 2017
12.03.2018