



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.14432 of 2018
and Crl.M.P. (MD) Nos.6461 & 6462 of 2018

Balagurunathan : Petitioner/Respondent

Vs.

Dhanalakshmi : Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the petition in M.C.No.15 of 2018 filed under Section 125 of Criminal Procedure Code before the Family Court, Srivilliputhur and quash the same.

For Petitioner : Mr.S.Ramasamy

ORDER

This Criminal Original Petition has been filed to quash the petition in M.C.No.15 of 2018 filed by the respondent under Section 125 Cr.P.C before the learned Family Court, Srivilliputhur.

2.The learned counsel appearing for the petitioner submitted that the respondent is not a legal wedded wife of the petitioner and there is no husband and wife relationship between them. He further submitted that the issue as to whether a woman in live-in relationship would be entitled for maintenance under Section 125 Cr.P.C., has been referred to the Larger Bench of the Hon'ble Supreme Court in **Chanmuniya Vs. Virendra Kumar Singh Kushwaha and another** reported in **(2010 (3) MWN (Cr.) 296) (SC)**. Live-in relationship will attract the provisions of Section 125 of Cr.P.C, till a final conclusion is arrived at by the Larger Bench of the Hon'ble Supreme Court.

3.The petitioner has already filed his counter in the maintenance case. The petitioner is permitted to raise all the contentions before the learned Family Court, Srivilliputhur.

4. The learned counsel appearing for the petitioner submitted that since the petitioner is now working as a conductor in State Transport Corporation, the petitioner may be permitted to represent through a counsel before the learned Family Court, Srivilliputhur

and his personal appearance should not be insisted.

5. Taking into consideration the facts and circumstances of the case, the petitioner is permitted to be represented by a counsel before learned Family Court, Srivilliputhur. However, the petitioner is directed to appear before the concerned Court as and when required, without fail.

6. This Criminal Original Petition is dismissed with liberty to the petitioner to raise all the contentions before the learned Family Court, Srivilliputhur in the pending M.C.No.15 of 2018. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Judge, Family Court,
Srivilliputhur.

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 78614

GNS

TE/JM/RSK/SAR-3 : 12/09/2018 : 2P/3C

Cr1.O.P. (MD) No.14432 of 2018
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