

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.22485 OF 2016

AND

CRL.MP.NOS.12281 & 10458 OF 2016

A.Salaudeen

.. Petitioner

Vs.

1. M.Bharkathunnisa
2. Minor Shabeer Khan @ Arafath
rep.by its next friend, mother
and natural guardian

.. Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertains to the impugned order of the courts below made in MC.No. 12 of 2013 dated 30.10.2015 on the file of Chief Judicial Magistrate, Krishnagiri and order made in CRC. No. 3 of 2016 dated 16.08.2016 on the file of the Additional District Judge, Krishnagiri and set-aside the same.

For Petitioner : M/s.P.R.Thiruneelakandan

For Respondents : M/s.N.E.A.Dinesh

O R D E R

The prayer in the present petition is to call for the records pertains to the impugned order of the courts below made in MC.No. 12 of 2013 dated 30.10.2015 on the file of Chief Judicial Magistrate, Krishnagiri and order made in CRC. No. 3 of 2016 dated 16.08.2016 on the file of the Additional District Judge, Krishnagiri and set-aside the same.

2. Heard both sides and perused the documents available on record.

3. The case of the petitioner is that the he married the 1st respondent on 11.10.2009 and 2nd respondent is the son born out of the marriage. The 1st respondent/wife alleging some misunderstandings in the matrimonial home, has filed Maintenance Case in MC. No. 12 of 2013 before the Chief Judicial Magistrate, Krishnagiri. Though it is alleged by the petitioner before the trial Court that his wife has already pronounce 'Thalak', the trial Court not accepted the contention of the petitioner and found there is no valid 'Thalak' and the marriage between them still in force. The trial Court by considering income of the petitioner, has ordered the petitioner to pay maintenance of Rs.5,000/- per month to the 1st respondent and Rs.2500/- per month to the 2nd respondent. Aggrieved against the said order, the petitioner has preferred a CRC.No. 3 of 2016 before the Additional District Judge, Krishnagiri. The first appellate court on considering the documents and witnesses has dismissed the Revision Petition filed by the petitioner and confirmed the order passed by the trial Court and also directed the petitioner to pay the accrued arrears of maintenance within a period of 2 months from the date of the said order.

4. Aggrieved by the orders passed by the trial Court and the first appellate Court, the petitioner has preferred the present petition to set aside the same.

5. On perusal of records, this Court finds no infirmity in the orders passed by the trial Court as well as the first appellate Court. Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate, Krishnagiri.
2. The Additional District Judge, Krishnagiri.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.21301

CrI.O.P.No.22485 of 2016
and
CrI.MP.Nos.12281 & 10458 of 2016

RV(CO)
CS/13/05/2019