

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11323 of 2019

and CRL.M.P.Nos.5759 & 5762 OF 2019

TAMILMANI

[PETITIONER IN ALL THE PETITIONS]

Vs

S.YOGALAKSHMI

[RESPONDENT IN ALL THE PETITIONS]

Petitions praying that in the circumstances stated therein the High Court will be pleased to

(i) call for the records in D.V.C. No.22/18 on the file of the Judicial Magistrate, Gudiyattam, Vellore District and quash the same. (IN CRL OP.NO.11323 OF 2019)

(ii) stay all further proceedings in DVC No.22 of 2018 pending on the file of the Judicial Magistrate, Gudiyatham, pending disposal of the above Crl.O.P.No.11323 of 2019. (IN CRL.M.P.No.5759 OF 2019)

(iii) dispense with the personal appearance of the petitioner in DVC No.22 of 2018 on the file of the Judicial Magistrate, Gudiyatham, pending disposal of the above Crl.O.P.No.11323 of 2019. (IN CRL.M.P.No.5762 OF 2019)

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the arguments of M/S.MARUDHACHALAM M. Advocate for the petitioner (IN ALL THE PETITIONS) the court made the following order:-

(*) Today, the matter was listed under the caption "for being mentioned" at the instance of learned counsel for the petitioner.

2. The learned Counsel for the petitioner brought to the notice of this Court that when the petitioner filed a petition to dispense with the appearance of the petitioner, this Court by an order dated 26.04.2019, directed that the petitioner shall ensure that the husband of the respondent shall deposit a sum of Rs.5000/- before 5th of every English Calendar Month to the credit of D.V.C.No.22 of 2018 on he file of the learned Judicial Magistrate, Gudiyattam, Vellore District as ad-interim maintenance, without prejudice to both the parties.

3. The learned Counsel for the petitioner further submitted that the husband of the respondent/A1 is already depositing a sum of Rs.5000/- as maintenance, as per order dated 16.08.2018 in Crl.O.P.No.20226/2018, even prior to the order and hence, the order dated 26.04.2019 may be modified.

4. Considering the above submissions, the following condition imposed on the petitioner in paragraph No.3 in the order dated 26.04.2019 is hereby modified as follows :-

"3. The presence of the petitioner is dispensed with pending disposal of the Criminal Original Petition, on condition that the petitioner shall ensure that the husband of the respondent/A1 shall continue in depositing a sum of Rs.5000/- (Rupees Five Thousand Only) before 5th of every English Calendar month to the credit of D.V.C.No.22 of 2018 on the file of the learned Judicial Magistrate, Gudiyattam, Vellore District as maintenance, without prejudice to both the parties. On such deposit being made, the respondent is entitled to withdraw the same."

-sd/-

26/04/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

(*) BEING MENTIONED ORDER AS PER ORDER OF THIS COURT DATED 07/06/2019.

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VRLLORE (FOR INFORMATION)

CC to M/S.MARUDHACHALAM M. Advocate on payment of necessary charges Sr.

CRL OP.11323/2019

and CRL.M.P.Nos.5759 & 5762 OF 2019

Date :26/04/2019

rvr 21/06/2019

<https://hcservices.ecourts.gov.in/hcservices/>