

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.14167 of 2019
and Crl.M.P No.6866 of 2019

Sakthivel

Petitioner

vs.

1. R.Meena

2. Minor S.Suthakshana

3. Minor Male Baby (Unnamed)

Respondents

Minors are represented by its next friend/mother
and natural guardian, Tmt.R.Meena

PRAYER: Criminal Original Petition filed under Section 482
of the Code of Criminal Procedure, to set aside the order dated
09.04.2019 made in C.M.P. No.174 of 2019 in M.C.No.39 of 2017 on
the file of Chief Judicial Magistrate, Tiruppur.

For Petitioner : Mr.N.S.Sivakumar

For Respondents: No Appearance

ORDER

This petition has been filed challenging the order passed by
the Court below dismissing the application filed by the
petitioner under Section 311 of Cr.P.C.

2. The respondents have initiated proceedings under Section
125 of Cr.P.C. claiming maintenance from the petitioner. The
proceedings were initiated in the year 2018. The 1st respondent
was examined in Chief on 05.09.2018 and she was also cross-
examined by the petitioner. The petitioner examined himself as
RW1 and he was also cross-examined. An attempt was made to
resolve the dispute by referring it to mediation and the said
attempt failed. Thereafter, the matter was posted for hearing,
the petitioner moved the petition to recall himself in order to

mark certain bills in order to show medical expenditure incurred by the petitioner towards the treatment given to his father. This petition was dismissed by the Court below on the ground that these documents have absolutely no bearing in deciding the maintenance petition filed by the respondents and there is a delay of four months in filing the petition, in spite of sufficient opportunities given to the petitioner.

3. The learned counsel for the petitioner submitted that the medical bills will have to be marked in order to show the expenditure incurred by the petitioner and the same will have a bearing while fixing the maintenance for the respondents.

4. This Court is not an agreement with the submissions made by the learned counsel for the petitioner. As rightly held by the Court below, the petition will be decided based on the entitlement for maintenance of the respondents and their requirements.

5. This Court does not find any illegality or infirmity in the order passed by the Court below and accordingly the same is sustained.

6. In the result, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in MC No.39 of 2017 within a period of two months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.
ssr/sbn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Tiruppur.

2. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.N.S.Sivakumar, Advocate, SR.No.45956/19

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Kak(02/07/2019)