

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2590 of 2017
and W.M.P.No.2555 of 2017

K.Dharmaraj

... Petitioner

Vs.

1. The Learned Judicial Magistrate Court,
Madhuranthakam,
Kanchipuram District.

2. Pushpa

3. Meera

4. Ramachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of prohibition prohibiting the 1st respondent herein (The Learned Judicial Magistrate Court, Madhuranthakam) from proceeding with the C.M.P. No.2049 of 2006, in M.C.No.1 of 2005.

For Petitioner : No Appearance
For R1 and R3 : No Appearance
For R2 and R4 : Mr.S.Arun Kumar

सत्यमेव जयते
O R D E R

This Writ Petition has been filed to prohibit the 1st respondent herein (The Learned Judicial Magistrate Court, Madhuranthakam) from proceeding with the C.M.P. No.2049 of 2006 in M.C.No.1 of 2005.

2. It is seen that the writ petition has been filed for a direction to prohibit the case in M.C.No.1 of 2005. The wife of the petitioner viz., the 2nd respondent was filed maintenance case as against the petitioner for an offence under Section 125 of Cr.P.C., and it is pending for trial. It is also seen that there are so many allegations made as against the 2nd respondent

and maintenance case itself is not maintainable. However, the grounds raised by the petitioner cannot be considered and it is related to question of fact. Therefore, this petition is devoid of merits and as such this Court is not inclined to allow the prayer sought for by the petitioner. However the petitioner is liberty to raise all the grounds before the trial Court during the trial. Considering the fact that the MC of the year 2015, the trial Court viz., the Learned Judicial Magistrate Court, Madhuranthakam is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate Court,
Madhuranthakam,
Kanchipuram District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.SN.Arunkumar, Advocate SR.No.36816

W.P.No.2590 of 2017
and W.M.P.No.2555 of 2017

RK(CO)
GMY(20/05/2019)

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