



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19033 of 2014 and
M.P.(MD)Nos.1 & 2 of 2014

1. Pitchaimuthu
2. Kaliammal
3. Kalidoss
4. Bose
5. Dhineshkumar
6. Praveenumar
7. Muthukumar

... Petitioners/ Accused Nos.1 to 7

Vs

- 1.The Inspector of Police,
All Women Police Station, Theni,
Theni District.

- 2.M.Kamatchiammal

... Respondents/Respondents

PRAYER :- Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.337 of 2014 on the file of the learned Judicial Magistrate, Theni and quash the same.

For Petitioner : M/s.R.Shankar Ganesh,
Advocate.
For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side).
For R-2 : Mr.K.Muraleedharan

ORDER :-

This Criminal Original petition has been filed for quashing C.C.No.337 of 2014 on the file of the Judicial Magistrate, Theni.

2. The second respondent herein is the defacto complainant. The first petitioner is her husband. The second petitioner is her mother-in-law. It is seen that the marriage between the parties has been dissolved. But then, the dissolution of the marriage will not
<https://hccservices.mca.gov.in/hccservices/> terminate the proceedings initiated at the instance of



the wife, when the marriage was in subsistence. In this case, apart from the husband and the mother-in-law, the defacto complainant had also implicated the uncles of the first petitioner herein and their children.

3. I am of the view that the proceedings will have to be necessarily continued only against petitioners 1 and 2 herein. The implication of petitioners 3 to 7 is without any basis. There are no serious allegations against them.

4. In this view of the matter, the impugned proceedings stand quashed as far as petitioners 3 to 7 are concerned. The first petitioner and the second petitioner will have to necessarily face the trial.

5. The case is of the year 2014. The learned trial Magistrate is directed to conclude the trial in C.C.No.337 of 2014 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6. It is seen that the defacto complainant had filed M.C.No.14 of 2015 before the Judicial Magistrate, Periyakulam and vide order dated 06.10.2018, a sum of Rs.4,500/- was ordered to be paid as monthly maintenance. Through the wedlock between the first petitioner and the defacto complainant, a girl child was also born. The learned counsel appearing for the defacto complainant points out that since the liability to pay the maintenance commenced from the year 2015 and only last week a sum of Rs.50,000/- was paid in the Lok Adhalath, as on date, the remaining amount comes to more than Rs.2,00,000/-. Therefore, the learned Judicial Magistrate, Periyakulam, is directed to expedite the enforcement of the maintenance order dated 06.10.2018 made in M.C.No.14 of 2015.

7. With this direction, the Criminal Original petition stands partly allowed. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

TO

1. The Judicial Magistrate,
Theni.

2. The Judicial Magistrate,
Periyakulam.



3. The Inspector of Police,
All Women Police Station, Theni,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-88680[F] dated
23/09/2019)

+1 CC to M/s.K.MURALEEDHARAN, Advocate (SR-88609[F] dated
23/09/2019)

ORDER
IN
CRL OP(MD) No.19033 of 2014 and
M.P.(MD)Nos.1 & 2 of 2014
Date : 20/09/2019

pmu
JM/09.10.2019/3P/7C