



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.10.2019
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.9367 of 2018

and

Crl.M.P (MD) Nos.4092,4093,7230 and 10487 of 2018

P.Kanagaraj
S/o. Periyasamy
Rep. by his Power Agent
Periyasamy

... Petitioner

Vs

1. R.Devi
2. Lavanya
3. Santhosh

(Respondents 2 and 3 are minors represented
by their mother and natural guardian 1st respondent
herein)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the petition in M.C.No. 106 of 2017 on the file of the Family Court, Trichy and quash the same.

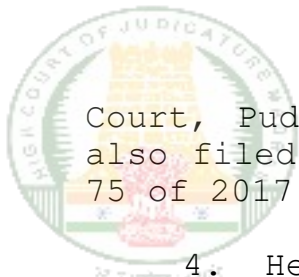
For Petitioner : Mr.A.Anandan
For Respondents : Mr.N.Madhava Govindan

ORDER

This Criminal Original Petition has been filed challenging the impugned proceedings initiated by the respondents in M.C.No.106 of 2017 on the file of the Family Court, Trichy under Section 125 of Cr.P.C.

2. The learned counsel for the petitioner would submit that the marriage took place at Pudukottai and they last lived at Pudukottai, therefore Family Court, Trichy has no jurisdiction to take cognizance on the complaint lodged by the respondent under Section 125 of Cr.P.C. He further submitted that the petitioner already filed Restitution of conjugal rights petition and he is not able to serve notice in the address mentioned in the petition. Thereafter he filed the present petition with correct address in the Family Court, Trichy. Therefore he sought for quashing the proceedings in M.C.No. 106 of 2017.

3. The learned counsel for the respondent would submit that on receipt of notice in HMOP No.117 of 2017 on the file of the Sub



Court, Pudukottai she appeared through her counsel. Inface she also filed divorce petition before Family Court, Trichy in HMOP No. 75 of 2017 which is pending as against the petitioner.

4. Heard Mr. A.Anandan learned counsel appearing for the petitioner and Mr.M.Madhavagovindan learned counsel appearing for the respondents.

5.It is seen that the petitioner got married with the first respondent on 21.06.2002 and due to their wedlock they got two childrens. According to the petitioner the respondent left the matrimonial home on her own and living separately with some other person. Further the respondent has no jurisdiction to file the maintenance case before the Family Court, Trichy. On perusal of the record, it is seen that the first respondent also filed divorce petition in HMOP No.75 of 2017 and it is also pending on the file of the Family Court, Trichy. Though the respondent filed Restitution of Conjugal Rights in HMOP No.117 of 2017 which is pending on the file of the Sub Court, Pudukottai she is not interested to go back with the petitioner. That apart the jurisdiction is not ground for quashing the entire proceedings filed by the respondent for maintenance. Admittedly she is living separately with two childrens.

6. In the result, the petition is devoid of merits and liable to be dismissed. Accordingly this Petition is dismissed. Consequently connected miscellaneous petitions are closed. However, the Family Court, Trichy is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Family Court, Trichy

+1 CC to Mr.N.MADHAVAGOVINDAN, Advocate (SR-93423[F] dated 22/10/2019)

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AAV

MK (05.11.2019) 2P 3C

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