

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.NO.16694 OF 2016

AND

CRL.M.P.NO.8063 OF 2016

1.K.R.Jagadeesh
2.Y.K.Raman
3.Devagi

.. Petitioners

Vs.

B.Sareetha

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in M.C.No.1 of 2016 on the file of the Judicial Magistrate Court, Uthagamandalam and quash the same.

For Petitioner : Mr.V.Deivendhiran
for Mr.A.Palaniappan

For Respondent : Mr.T.R.Sathiyamohan

O R D E R

This criminal original petition has been filed seeking to call for the records pertaining to the proceedings in M.C.No.1 of 2016 on the file of the Judicial Magistrate Court, Uthagamandalam and quash the same.

2. Heard Mr.V.Deivendhiran, learned counsel representing Mr.A.Palaniappan, learned counsel on record for the petitioners and Mr.T.R.Sathiyamohan, learned counsel for the respondent.

3. At the time of admission, this Court passed the following order on 02.08.2016:

"Notice of motion returnable by 30.08.2016.
Private notice is also permitted.

2. The petitioners 2 and 3 shall ensure that the first petitioner deposits a sum of Rs.5,000/- (Rupees five thousand only) before 5th of every English calendar month to the credit of M.C.No.1 of 2016 on the file of the Judicial Magistrate Court, Uthagamandalam, as ad-interim maintenance, without prejudice to both the parties. On such deposit, the respondent-wife is entitled to withdraw the same.

3. For the month of August 2016, the said sum of Rs.5,000/- shall be deposited on or before 15.08.2016.

4. On the aforesaid condition, the persona appearance of the petitioners 2 and 3 is dispensed with. If the deposit is not made, the Trial Court can insist upon the presence of the petitioner 2 and 3. The pendency of this case will not be a bar for the trial Court to proceed further with the trial.

Post on 30.08.2016."

4. The learned counsel for the respondent submitted that the first petitioner/husband was making payment as directed by this Court till May 2018. He further submitted that the proceedings in M.C.No.1 of 2016 was transferred from the file of the Judicial Magistrate Court, Uthagamandalam, to the file of the Additional Mahila Court, Uthagamandalam and was re-numbered as D.V.No.12 of 2018.

5. Both sides submitted that on 30.11.2018, the trial Court had passed ex parte orders against the respondents in D.V.No.12 of 2018.

In such view of the matter, nothing survives in this petition and therefore, this criminal original petition is closed with liberty to the parties to work their remedy before the Additional Mahila Court, Uthagamandalam or Sessions Court, Uthagamandalam, as the case may be. Connected CrI.M.P. is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

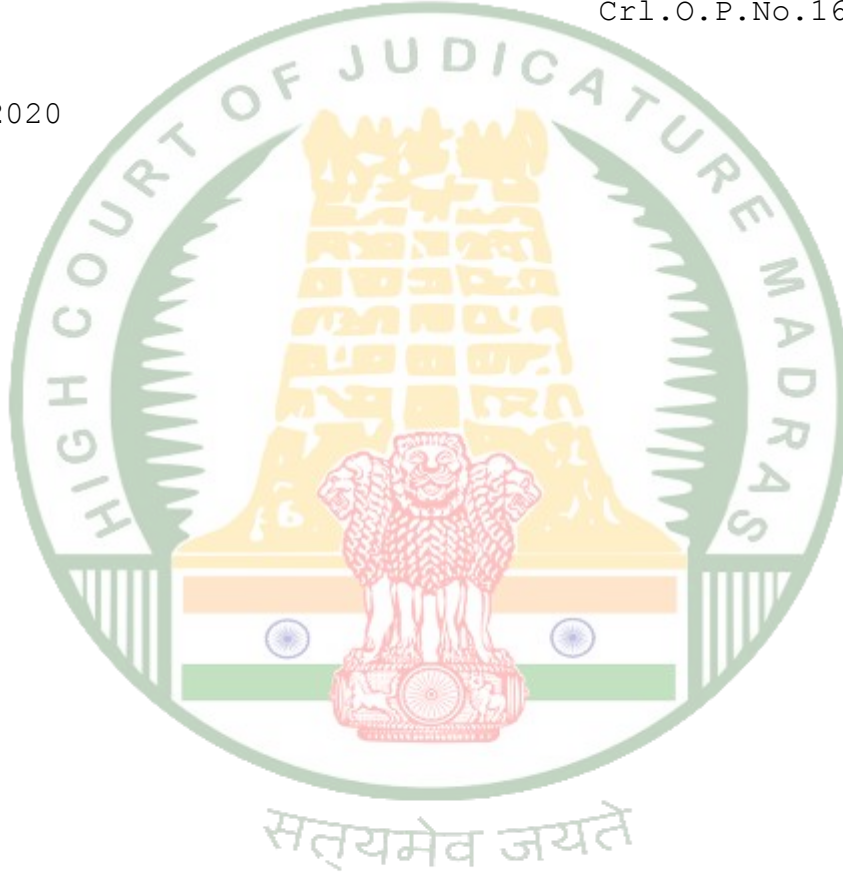
nsd

To

1. The Additional Mahila Judge,
Uthagamandalam.
2. The Sessions Judge,
Uthagamandalam.
3. The Judicial Magistrate,
Uthagamandalam.

CrI.O.P.No.16694 of 2016

MP (CO)
CS/10/11/2020



WEB COPY