

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.923 of 2019
and
Crl.MP.No.13218 of 2019

K.Senthilkumar .. Petitioner/Respondent
Vs

1. S.Priya

2. Minor Bharani Kumar .. Respondents/Petitioners
reb by his mother/Natural Guardian
1st Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, seeking to set aside the order dated 01.08.2019 passed in M.C.No.6 of 2012 on the file of the Judicial Magistrate, Madhuranthagam.

For Petitioner : Mr.R.Muralidharan

For Respondents : Mr.Arasu Ganesan

ORDER

This revision petition is directed against the order dated 01.08.2019 made in M.C.No.6 of 2012 on the file of the learned Judicial Magistrate, Madhuranthagam.

2. The case in brief is that the marriage between the petitioner and the first respondent was solemnized on 09.12.2002 and they were blessed with a male child i.e., the second respondent. After delivery, they were living separately and at the advice of the elders, they joined together on 03.09.2006. However, on 06.03.2008, due to cruelty for not complying with the demand of dowry, the first respondent was forced to leave the matrimonial home. Since she was unable to maintain herself and the second respondent, she filed MC.No.6 of 2012 seeking for maintenance. The Family Court passed the order dated 01.08.2019 directing the petitioner to pay a sum of Rs.3,500/- per month each to the respondents as maintenance from the date of petition, and continue to pay the said sum every month, besides

granting some liberty to the petitioner. Aggrieved over the same, the present Criminal Revision came to be filed.

3. On 03.10.2019, this Court has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance from the date of filing the petition, within a period of two weeks. The said order has been duly complied with by the petitioner.

4. Today, when the matter is taken up for consideration, the learned counsel on either side submitted that the Sub Court, Madurantakam, vide common order dated 21.10.2019 passed in HMOP No.32 of 2013 filed by the first respondent and HMOP No.42 of 2016 filed by the petitioner herein, granted the decree of divorce and thereby, dissolved the marriage between the parties. They further submitted that an interim application in CMP No.6671 of 2019 in M.C.No.6 of 2012 is pending on the file of the learned Judicial Magistrate, Madurantagam and hence, the same may be directed to be disposed of, within a time frame to be stipulated by this Court.

5.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court directs the learned Judicial Magistrate, Madurantagam, to dispose of C.M.P.No.6671 of 2019 in M.C.No.6 of 2012, on merits and in accordance with law, after affording due opportunity of hearing to both the parties, within a period of three months from the date of receipt of a copy of this order. Till the disposal of the said case, the petitioner shall continue to pay the maintenance as awarded by the trial Court to the respondents on or before 5th of every succeeding English Calendar month, without any default.

6.Accordingly, this Criminal Revision stands disposed of. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Madhuranthagam.

2. The Section Officer,
Criminal Section, Records
High Court, Madras.

+1cc to Mr.A.Arasu Ganesan, Advocate, S.R.No.13689
+1cc to Mr.R.Muralidharan, Advocate, S.R.No. 13925

Cr1.R.C.No.923 of 2019

BR(CO)
GN(06/08/2020)