



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty First day of January Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice A.D. JAGADISH CHANDIRA
CRL MP(MD). No.252 of 2020

in

CRL OP(MD). No.4981 of 2018

1 Subbulakshmi
2 TamilSelvi
3 Umamaheswari
4 Kalimuthu

...Petitioners/Respondents 2 to 5

Vs

1 S. Jegathambal
2 S.J. Kishore Kanna

(R2 Minor Represented by R1)

...Respondents/Petitioners

Prayer in CRL MP(MD). No.252 of 2020:-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Court to modify the order dated 17/10/2019 made in Crl.O.P.(MD) No.4981 of 2018.

Prayer in CRL OP(MD). No.4981 of 2018 :

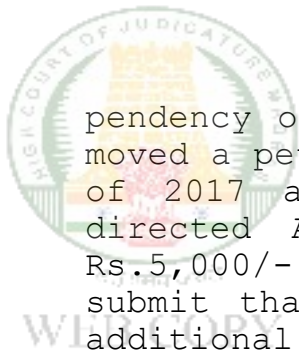
Criminal Original Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to call for the records relating to the proceedings in D.V.C.No. 9/2017 pending on the file of the Judicial Magistrate No. 2, Virudhunagar and quash the same as illegal in so far as these petitioners are concerned.

ORDER:-

Criminal Miscellaneous Petition coming up for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.V.S.Karthi for M/S.V.S.Karthi Associates, Advocate for the Petitioners and of Mr.M.Jothi Basu, Advocate for the respondents, this Court made the following order:

This petition has been filed to modify the order dated 17.10.2019 passed by this Court in Crl.O.P.(MD). No.4981 of 2019.

2.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the first respondent. He would further submit that this Court while allowing the petition in Crl.O.P.(MD). No.4981 of 2018 filed by them to quash the proceedings against them by order dated 17.10.2019 had directed the petitioners to ensure that A1/husband of the first respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of D.V.C.No.9 of 2017 on the file of the learned Judicial Magistrate No.2, Virudhunagar, as advised by the learned Magistrate.



pendency of D.V.C.No.9 of 2017 the first respondent/wife of A1 has moved a petition seeking interim maintenance in CrI.M.P.(MD).No.4165 of 2017 and the trial Court has allowed the petition and had directed A1/husband of the first respondent to pay a sum of Rs.5,000/- to the first respondent and her child. He would further submit that the present order passed by this Court is causing an additional burden to R1/husband. He would further submit that the he has been regularly paying a sum of Rs.5,000/- to the first respondent and her child and thereby, the present petition is filed seeking to modify the order of this Court.

3.The learned counsel appearing for the respondents would submit that the petitioner is working as a wireman in the Electricity Board and that the maintenance amount of Rs.5,000/- itself is very meagre.

4.Considering the submission made by the learned counsel appearing for the petitioners, this Court is inclined to modify paragraph:5 in the order dated 17.10.2019 in CrI.O.P.(MD).No.4981 of 2018 as follows:

"5.In view of the above, this Court is inclined to quash the proceedings in D.V.C.No.9 of 2017 on the file of the learned Judicial Magistrate No.2, Virudhunagar, insofar as these petitioners are concerned. "

5.Registry is directed to issue fresh order copy after necessary correction.

6.Accordingly, this Criminal Miscellaneous petition stands allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Judicial Magistrate No. II, Virudhunagar
- 2 The Chief Judicial Magistrate,
Srivilliputhur at Virudhunagar.

ORDER DATED: 21.01.2020

ORDER

CrI.MP(MD)No.252 of 2020 in
CrI.OP.(MD)No.4981 of 2018

SMA/05/02/2020/2P/3C