



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.03.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)Nos.4507 and 4510 of 2020
and
Crl.M.P. (MD)Nos.2547 and 2548 of 2020

R.Dharmaraj	... Petitioner/Respondent in both petitions
-vs-	
D.Rajeswari	... Respondent/Petitioner in both petitions

PRAYER in Crl.O.P. (MD)No.4507 of 2020 : Petition filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the Cr.M.P.No.204 of 2019 in M.C.No.10 of 2010 pending on the file of the learned Family Court, Madurai and quash the proceedings as against the petitioner.

PRAYER in Crl.O.P. (MD)No.4510 of 2020 : Petition filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the Cr.M.P.No.205 of 2019 in M.C.No.10 of 2010 pending on the file of the learned Family Court, Madurai and quash the proceedings as against the petitioner.

For Petitioner : Mr.R.G.Shankar Ganesh
(in both petitions)

O R D E R

The petitioner wants this Court to quash the proceedings in Cr.M.P.Nos.204 and 205 of 2019 in M.C.No.10 of 2010 pending on the file of the Family Court, Madurai. The petitioner is the husband of the respondent herein. The respondent filed M.C.No.10 of 2010 and the same was allowed on 25.09.2014 and the petitioner herein was directed to pay a sum of Rs.4,000/- per month. The petitioner had also filed H.M.O.P.No.40 of 2012 seeking restitution of conjugal rights. Subsequently, the issue between the parties were resolved and they started to living together. Subsequently, the pending proceedings were withdrawn. But then, once again difference of opinion arose between the two and the respondent and the petitioner living apart since 2019. While so, the respondent had filed Cr.M.P.No.204 of 2019 for claiming arrears of maintenance and Cr.M.P.No.205 of 2019 for enhancement.



2.The learned counsel for the petitioner states that the respondent is seeking payment of arrears right from 30.01.2010. According to him, the respondent herein cannot ignore the period when they lived together. He also would plead limitation and quite a few other aspects.

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3.Some of the contentions urged by the learned counsel for the petitioner are quite persuasive and forceful.

4.On these grounds, I am not inclined to quash the proceedings. After all a prayer has been made by the respondent herein. A litigant can even ask for the moon. It is for the Court concerned, to go into the issues and grant that relief which the litigant is legally entitled to. I am certain that the learned Judge, Family Court, Madurai, would consider all the aspects legally and factually and only thereafter grant what relief the litigant is actually entitled to in law.

5.Therefore, with this clarification, these Criminal Original Petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

Pnn

To

The Judge,
Family Court, Madurai.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-11704[F] dated 13/03/2020)

Crl.O.P. (MD)Nos.4507 and 4510 of 2020

13.03.2020

MK (29.05.2020) 2P 3C