



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3875 of 2018

and

Crl.M.P. (MD)Nos.1888 and 1889 of 2018

1.A.Natarajan

2.N.Vimala

... Petitioners/Respondents

Vs.

A.Sivasankarai

... Respondent/Petitioner

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to the complaint filed by the respondent in M.C.No.1 of 2018, on the file of Judicial Magistrate, Lalgudi and quash the proceedings as illegal.

For Petitioners : Mr.D.Sivaraman

O R D E R

This criminal original petition has been filed for quashing the proceedings in M.C.No.1 of 2018 on the file of the learned Judicial Magistrate, Lalgudi. The maintenance case under Section 125 of Cr.P.C., was filed by the respondent herein against the petitioners herein. The petitioners are none other than the parents-in-law of the respondent. The respondent got married to the son of the petitioners on 17.06.2005. It is stated that the petitioners' son/husband of the respondent herein died in a road accident on 24.03.2016. The case of the respondent is that the petitioners are obliged to maintain her and seeking the said relief, she has filed M.C.No.1 of 2018.

2.To quash the same, this criminal original petition has been filed.

3.The respondent entered appearance through counsel but the said counsel has filed a memo stating that as early as on 10.07.2019 itself the respondent had taken back papers. The



respondent ought to have made alternative arrangements and till date she has not done so.

4.In normal circumstance, I would have adjourned the matter by directing the petitioners to take fresh notice to the respondent but considering the legal issue involved, I am of the view that such a course of action need not be taken.

5.It is not in dispute that the petition has been filed only under Section 125 of Cr.P.C. Section 125 of Cr.P.C., cast a duty on a person having sufficient means to maintain his wife/child (Legitimate or Illegitimate)/parents. Nowhere is there any duty cast on a person to maintain his daughter-in-law. As rightly pointed out the learned counsel appearing for the petitioners, the daughter-in-law has an independent right to claim maintenance from her parents. It is not the case of the respondent that her husband was co-sharer with the petitioners herein. Since such circumstances are wholly absent, a petition under Section 125 of Cr.P.C., is not maintainable against the parents-in-law. The very filing of the instant petition is an abuse of legal process. In these circumstances, M.C.No.1 of 2018 filed on the file of Judicial Magistrate, Lalgudi stands quashed and the criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ias

To:

The Judicial Magistrate, Lalgudi.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-13057[F] dated 03/06/2020)

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