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CRL.O.P.(MD)NO.22328 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.22328 of 2016 and

CRL.M.P.(MD)Nos.11603 & 11604 of 2016

M.A.Jaffer Shadic

... Petitioner/
Respondent No.1

Vs.

1. Abubakkar Chithika
2. Minor.J.Mohamed Abdul Wahab,
3. Minor.J.Samitha Ibrah
(Respondents 2 and 3 are rep. by
their mother first respondent)

... Respondents/
Petitioners

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to D.V.No.4 of 2016 on the file of the learned Judicial Magistrate, Thenkasi and quash the proceedings as against the petitioners.

For Petitioner : Mr.A.Anandan
For Respondents : Mr.H.Arumugam

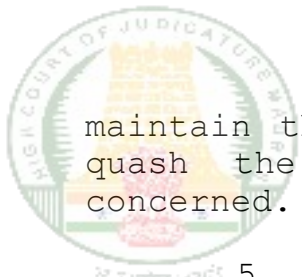
O R D E R

The petitioner is the husband of the first respondent herein. The marriage between Jaffer Sadik and the first respondent herein took place on 13.08.2006. Two children were born through the wedlock. Alleging the commission of the acts of domestic violence, the respondents filed D.V.No.4 of 2016 before the file of the Judicial Magistrate Court, Tenkasi. To quash the same, the criminal original petition has been filed.

2. It is also seen that in the criminal original petition filed by the in-laws, the order was passed to the effect that the petitioner herein pays a sum of Rs.5,000/- as maintenance to the respondents.

3. The learned counsel appearing for the respondents state that except making the payment on some occasions, the petitioner has not at all maintained the respondents herein.

4. The respondents in their complaint had levelled specific allegations against the petitioner and she has also sought for certain definite reliefs. The petitioner herein is obliged to



maintain the respondents herein. Therefore, I am not inclined to quash the impugned proceedings as far as the petitioner is concerned.

5. The D.V. Petition was filed way back in the year 2016. Almost four years have gone by. The respondents' counsel would state that since the order regarding maintenance has been passed by this Court, the Court below has not taken the interim application for providing maintenance. Therefore, taking note of all these aspects, the Court below is directed to conclude D.V.No.4 of 2016 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. The criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate,
Thenkasi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-1260[F] dated 10/01/2020)

+1 CC to M/s.A.ANANDAN, Advocate (SR-1782[F] dated 13/01/2020)

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AP(04/06/2020) 2P 5C