

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.1438 of 2018

and

Crl.M.P.No.532 of 2018

Varadhan

.. Petitioner

Vs.

Minor.Elakiya

Represented by her Mother

and Natural Guardian, Selvi

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to CMP.No.2343 of 2017 against M.C.No.04/2013 dated 05.05.2017 on the file of the Judicial Magistrate II, Ponneri and quash the same.

For Petitioner : Mr.T.Muruganantham

ORDER

This Criminal Original Petition is filed to call for the records relating to CMP.No.2343 of 2017 against M.C.No.04/2013, dated 05.05.2017, on the file of the Judicial Magistrate II, Ponneri and quash the same.

2. The case of the petitioner is that the petitioner is the husband of the mother of the respondent herein, namely, Selvi. His wife and her minor children filed a petition under Section 125 Cr.P.C, for maintaining herself and her three children, namely, Surender, Mahendran and Elakiya (respondent herein) against the petitioner in M.C.No.4 of 2013, before the Judicial Magistrate-II, Ponneri. During the pendency of the Maintenance Petition, the minor Ilakkiya, rep.by her mother and natural guardian, has filed C.M.P.No.2343 of 2017, claiming maintenance for a period of 11 months arrears from the total arrears amount of Rs.2,30,000/-. Challenging the said petition, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that earlier the Maintenance Petition has been filed by the wife and children of the petitioner and the same is pending. While being so, claiming arrears of maintenance by the respondent herein by filing C.M.P.No.2343 of 2017 in M.C.No.04/2013, is not maintainable.

3. Considering the facts and circumstances of the case, this Court

is of the view that in the present case on hand, no judicial order was challenged before this Court, however, the petitioner is challenging the petition in C.M.P.No.2343 of 2017, which is not maintainable. Therefore, this Court is not inclined to grant any relief sought for by the petitioner.

4. For the aforesaid reasons, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

28.07.2021

Speaking/Non Speaking order

Index : Yes/No

Internet: Yes/No

sk

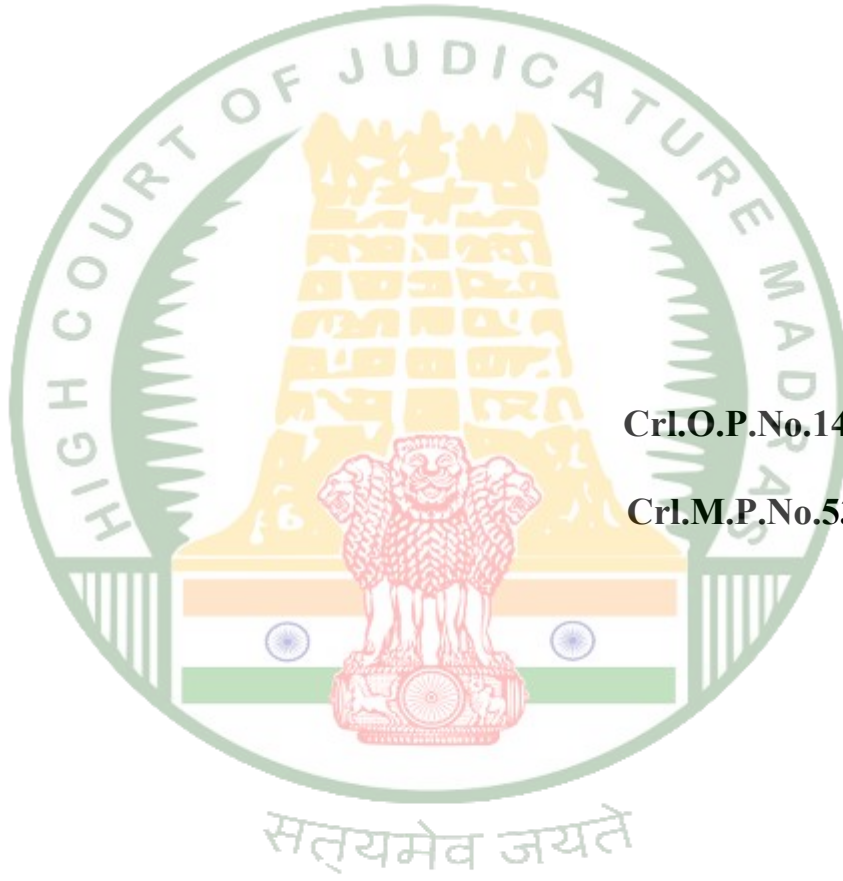
To

1. The Judicial Magistrate II,
Ponneri.

2. The Public Prosecutor,
High Court, Madras.

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M.DHANDAPANI,J.
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