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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.16270 OF 2018

AND

CRL.M.P.NOS.8371 AND 8372 OF 2018

C.Chandrakanthan

...Petitioner / Petitioner

Vs.

Usha Rani

...Respondent / Respondent

Prayer : Petition filed under Section 482 of Cr.P.C., seeking to set aside the order dated 09.01.2016 made in Crl.R.P.No.13 of 2016 on the file of the Sessions Judge, Kancheepuram, confirming order passed dated 06.10.2016 in C.M.P.No.421 of 2016 in M.C.No.11 of 2014 on the file of District Munsif Cum Judicial Magistrate at Sriperumbudur.

For Petitioner : M/s.S.Thamizharasi

For Respondent : Mr.C.K.M.Appaji

O R D E R

This petition has been filed seeking to set aside the order dated 09.01.2016 made in Crl.R.P.No.13 of 2016 on the file of the learned Sessions Judge, Kancheepuram, confirming the order dated 06.10.2016 in C.M.P.No.421 of 2016 in M.C.No.11 of 2014 on the file of the learned District Munsif Cum Judicial Magistrate at Sriperumbudur.

2.The facts of the case is that the marriage between the petitioner and the respondent was solemnized on 12.10.2010 at Nagapattinam and due to the matrimonial relationship, the respondent got pregnant and subsequently the foetus was aborted. Thereafter, matrimonial dispute arose inbetween them and the petitioner has deserted the respondent. Hence, the respondent filed M.C.No.11 of 2014 before the learned District Munsif Cum Judicial Magistrate at Sriperumbudur seeking maintenance of Rs.10,000/- per month. During the pendancy of the said petition she filed C.M.P.No.421 of 2016 in M.C.No.11 of 2014 seeking interim maintenance of Rs.5,000/- per month. The said petition was allowed on 06.10.2016 awarding a sum of Rs.3,000/- per month



towards maintenance in favour of the respondent. Aggrieved by the same, the petitioner filed CrI.R.P.No.13 of 2016 before the learned Sessions Judge, Kancheepuram and the said petition was dismissed on 09.01.2018. Challenging the same, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that the respondent has married another man. She further submitted that the petitioner is ready to deposit 50% of the amount as awarded by the trial Court. Hence, this Court without going into the merits of the case may permit the petitioner to deposit 50% of the amount and may issue direction to the trial Court to not to disburse the said amount in favour of the respondent till the disposal of the maintenance case.

4.The learned counsel appearing for the respondent conceded to the request made by the learned counsel appearing for the petitioner.

5.It appears that the respondent has married another man and in order to prove the same, the petitioner has filed some photographs. However, the issue involved in the case is a triable issue that can be decided only at the time of trial in the maintenance case. Hence, it is open to the parties to canvass all the points before the trial Court at the time of trial in M.C.No.11 of 2014. This Court permits the petitioner to deposit 50% of the amount awarded towards interim maintenance in favour of the respondent by the trial Court, within a period of four weeks from the date of receipt of a copy of this order. The said amount shall not be disbursed to the respondent till the disposal of the maintenance case in M.C.No.11 of 2014. The learned District Munsif Cum Judicial Magistrate at Sriperumbudur is directed to complete the trial in M.C.No.11 of 2014 within a period of three months from the date of deposit being made by the petitioner.

6.This criminal original petition is accordingly disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Sessions Judge,  
Kancheepuram.



2.The District Munsif Cum Judicial Magistrate at  
Sriperumbudur.

+1cc to Mrs.S.Thamizharasi, Advocate, S.R.No.44338

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And

Crl.M.P.Nos.8371 and 8372 of 2018

BS (CO)

RVI (07/10/2021)