



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.7140 of 2017 &
Crl.M.P.No.5179 of 2017

Ashok Kumar @ Ashok

...Petitioner

Vs

Parameswari

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.M.P.No.2840 of 2015 in M.C.No.4 of 2014 on the file of the learned Judicial Magistrate No.I, Pollachi and set aside the same.

For Petitioners : Mr.R.Karthikeyan

For Respondents : Mr.D.Arun Kumar

O R D E R

This petition have been filed as against the order passed by the learned Judicial Magistrate No.I, Pollachi dismissing the petition filed compelling the wife to subject herself to medical examination to find out whether she had attained puberty or not.

2. The learned Magistrate in fact dismissed the petition on the ground that marriage has already over and the petitioner and respondent are living as husband and wife and hence, the question of subjecting the wife to find out whether she had attained puberty or not, is mischievous and such petition is not relevant to decide the maintenance as against the present petitioner.

3. At the outset, filing such petition itself is a harassment on the wife. Having married and living together as husband and wife, merely because a dispute arouse between the parties, the parties cannot take it as granted to seek any relief before the Court. Filing such petition in the opinion of this Court is in fact motivated and mischievous and the same cannot be entertained by the Court of law.



4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

The Judicial Magistrate No.I,
Pollachi.

+1cc to Mr.D.R.Arunkumar, Advocate, S.R.No.59321

+1cc to Mr.P.Srinivas, Advocate, S.R.No.59929

CrI.O.P.No.7140 of 2017
&
CrI.M.P.No.5179 of 2017

PCH(CO)
RGA(02/12/2021)