



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No. 4422 of 2017
and Crl.M.P.No. 3305 of 2017

L. Saravanan

... Petitioner

Versus

1. Shanthi
2. Sruthi (minor)
D/o. Shanthi
Represented by her Guardian &
Next Friend, the first respondent,

.... Respondents

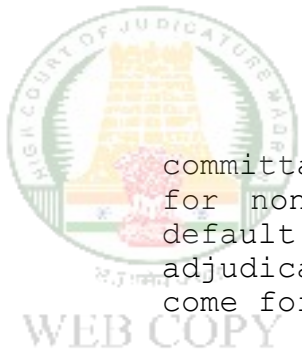
Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973, to set aside the adjudication order dated 22.12.2016 in FCCMP.No.30 of 2016 in M.C.No.27 of 2014 on the file of the learned Family Judge, Dharmapurai.

For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.I.Abrar Mohamed Abdullah

O R D E R

This Criminal Original Petition is filed to set aside the adjudication order dated 22.12.2016 in F.C.C.M.P.No.30 of 2016 in M.C.No.27 of 2014 now pending before the learned Family Judge, Dharmapurai.

2. The petitioner is the husband of the first respondent. The second respondent is the minor daughter of the petitioner herein. There was some matrimonial dispute between husband and wife. The first respondent/wife had filed the petition FCMC.No.27 of 2014 under Section 125 of Cr.P.C., for maintenance before the learned Judicial Magistrate Court No.II, Dharmapuri. After perusing the records, the petition was ordered by the Court below, dated 11.12.2015, directing the petitioner/husband to pay the arrears of maintenance amount to be paid within three months from the date of the order and the future maintenance is to be made on or before 5th of every succeeding month. Subsequently, the petitioner/husband has not paid the maintenance amount so far. Thereafter, the Court below issued



committal warrant against the petitioner/husband on 22.12.2016 for non payment of arrears of maintenance, for one month in default of 06.12.2002 to 05.01.2003. Challenging the adjudication order passed by the Court below, the petitioner has come forward with the present petition.

3. The learned counsel for the respondents would submit that the petitioner is a teacher and he was earning more salary from the Education Department, in spite of that, the petitioner has not paid the arrears of maintenance amount to the respondent/wife and his minor daughter, hence, the order of salary attachment was ordered and the same was numbered as 241 of 2019 on 19.03.2019 and hence, the prayer sought for by the petitioner has now become infructuous.

4. Based on the above submission made by the learned counsel for the respondent, nothing survives for further adjudication in this petition, hence, the Criminal Original Petition is dismissed as infructuous. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Judge, Family Court, Dharmapurai.

2.The Judicial Magistrate, No.II, Dharmapurai.

+1cc to Mr.R.Selvakumar, Advocate SR.No. 36761

+1cc to M/s.I.Abrar Mohamed Abdullah, Advocate SR.No. 36799

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GPL (CO)
B.VC (23.08.2021)