



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.19325 of 2017
and CrI.M.P.No.11705 of 2017

R.Vinayagamurthy

...Petitioner

Vs.

Seeyathammal

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the proceedings in M.C.76 of 2017 on the file of Hon'ble VI Additional Family Judge, Chennai and quash the same.

For Petitioner : Mr.G.K.Sekar

For Respondent : Mr.N.Velayudam

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in M.C.76 of 2017 on the file of Hon'ble VI Additional Family Judge, Chennai and quash the same.

2. Learned counsel for the petitioner submitted that the respondent is not legally wedded wife and previously instituted a criminal complaint, which has ended in acquittal. Therefore, she cannot claim for maintenance. Hence, prayed to quash the complaint.

3. At the outset, this Court is of the view that mere acquittal in the earlier complaint for the offence under Section 417 of IPC is not a ground to presume that the entire private complaint for claiming maintenance has to be quashed. At the threshold, it is not disputed that the child is born out of the relationship. In such view of the matter, whether or not petitioner is not entitled to any maintenance has to be seen



only in the Trial Court. At this stage, it is premature to quash the petition.

4. Accordingly, quashing of the complaint cannot be considered and this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed. It is for the petitioner to take all his defence before the trial Court.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msv

To

The VI Additional Family Judge,
Chennai.

Crl. O.P. No.19325 of 2017
and Crl.M.P.No.11705 of 2017

KG(CO)
CT/17/12/2021