



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.16398 and 7690 of 2018 and 10158 of 2017
and

Crl.M.P.Nos.3960 and 3961 of 2018 in Crl.O.P.No.7690 of 2018

K.Marliya Rukshana, W/o Mohammed Hayaz Jalaludeen
...Petitioner in Crl.O.P.No.16398 of 2018

1. Mohammed Hayaz Jalaludeen, S/o S.Jalaludeen
2. Sulaika Banu, W/o S.Jalaludeen
... Petitioners in Crl.O.P.No.7690 of 2018

1. K.Marliya Rukshana, W/o Mohammed Hayaz Jalaludeen
2. Baby M.Aaliya, D/o Mohammed Hayaz Jalaludeen
.. Petitioners in Crl.O.P.No.10158 of 2017

Vs.

1. Mohammed Hayaz Jalaludeen, S/o S.Jalaludeen
2. Sulaika Banu, W/o S.Jalaludeen
.. Respondents in Crl.O.P.No.16398 of 2018

K.Marilya Rukshana, D/o Mr.P.S.Kather
.. Respondent in Crl.O.P.No.7690 of 2018

Mohammed Hayaz Jalaludeen, S/o S.Jalaludeen
.. Respondent in Crl.O.P.No.10158 of 2017

Crl.O.P.No.16398 of 2018 filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) praying to direct the learned IX Metropolitan Magistrate, Saidapet, to dispose of the case in DV Case No.63 of 2017 within the statutory period of sixty days.

Crl.O.P.No.7690 of 2018 filed under Section 482 Cr.P.C. to call for the entire records in D.V.C.No.63 of 2017 pending on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same as against the first and second petitioners.



Crl.O.P.No.10158 of 2017 filed under Section 482 Cr.P.C. to direct the III Additional Family Court, Chennai to dispose of M.C.No.448 of 2016 within the stipulated time that may be fixed by this Court.

WEB COPY

For petitioner in
Crl.O.P.Nos.16398 of 2018 and
10158 of 2017 :Mr.D.Abdullah

For petitioner in
Crl.O.P.No.7690 of 2018 : Mr.I.Lakshmana Shankar

For respondents in
Crl.O.P.Nos.16398 of 2018
and 10158 of 2017 :Mr.I.Lakshmana Shankar

For respondent in
Crl.O.P.No.7690 of 2018 : Mr.D.Abdullah

ORDER

Crl.O.P.Nos.16398 and 7690 of 2018:

Crl.O.P.No.16398 of 2018 is filed to direct the learned IX Metropolitan Magistrate, Saidapet, to dispose of the case in DV Case No.63 of 2017 within the statutory period of sixty days.

2. Crl.O.P.No.7690 of 2018 is filed to call for the entire records in D.V.C.No.63 of 2017 pending on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same as against the first and second petitioners.

3. Since it is now stated by the learned counsel for the petitioners that D.V.C.No.63 of 2017 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai, itself, had been withdrawn, nothing survives for consideration in these two Crl.O.Ps. Accordingly, Crl.O.P.Nos.16398 and 7690 of 2018 are dismissed. Connected Crl.M.Ps. are closed.

Crl.O.P.No.10158 of 2017:

4. This Crl.O.P. is filed to direct the III Additional Family Court, Chennai to dispose of M.C.No.448 of 2016 within the stipulated time that may be fixed by this Court.



5. It is submitted by the learned counsel for the petitioners (wife and child) that, despite mediation effected between the parties and the mediation report has also been filed before the concerned Court, the said M.C.No.448 of 2016 is not yet disposed of by the Court below.

6. As the relief sought for in Crl.O.P.No.10158 of 2017 is only to direct the III Additional Family Court, Chennai to dispose of the maintenance case within the stipulated time as may be fixed by this Court, the trial Court is directed to dispose of M.C.No.448 of 2016, taking note of mediation, if any effected between the parties and pass orders expeditiously, based on such mediation report, if any filed, else, the trial Court shall dispose of the maintenance case in M.C.No.448 of 2016, on merits and in accordance with law, within a period of three months from the date of normal return of the records (if any) along with this order from this Court.

7. Crl.O.P.No.10158 of 2017 is disposed of with the above directions.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

psa/cs
To

1.The IX Metropolitan Magistrate,
Saidapet, Chennai.

2.-Do- Thro' The Chief Metropolitan Magistrate,
Egmore, Chennai.

3.The III Additional Judge,
Family Court, Chennai.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.16398 & 7690 of
2018 & 10158 of 2017

pl[co]
srg 08/02/2022