



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.(MD)No.325 of 2020

&

Crl.M.P(MD)No.2785 of 2020

V.Saravanan ... Petitioner/ Petitioner/Respondent
Vs.

1.Logambal @ Vasanthi

2. Minor S.Gokul

Represented by his Guradian

Mother Mrs.Logambal @ Vasanthi

... Respondent/ Respondent/Petitioner

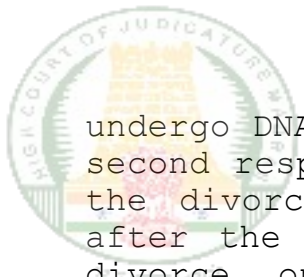
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.59 of 2018 in M.C.No.96 of 2016 on the file of the I-Additional District Judge (PCR) Family Court (FAC), Trichy, dated 17.09.2019 and set aside the same.

For Petitioner : Mr.K.Sivabalan

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.59 of 2018 in M.C.No.96 of 2016 on the file of the I Additional District Judge (PCR) Family Court (FAC), Trichy, dated 17.09.2019.

2. The case of the petitioner is that the petitioner got married the respondent on 23.01.2004 and gave birth to a female child on 11.11.2004. Thereafter, the respondent has revealed that she had love affairs with the another one person, due to which, she gave birth to the second respondent / child, by name, Gokul. On the said ground, the petitioner filed the petition for divorce in H.M.O.P.No.223 of 2017 and the same is pending. In fact, even before filing the divorce petition, the respondent filed the Maintenance Case in M.C.No.96 of 2016 claiming maintenance for herself and minor son / second respondent. After receipt of the notice from the maintenance case, immediately, the petitioner filed the divorce petition on the ground on adultery suspecting her fidelity. While pending the Maintenance Case, the petitioner filed the petition seeking direction, directing the respondents to



undergo DNA Test for the purpose of ascertaining the adultery of the second respondent herein. Though the petitioner made allegation in the divorce petition, the petitioner kept quiet for 8 years i.e after the birth of the second respondent, filed the petition for divorce on the ground on adultery, that too, after filing maintenance case. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS

mga

To:-

The I-Additional District Judge (PCR)
Family Court (FAC),
Trichy.

+1 CC to M/s.K. SIVABALAN, Advocate (SR-17642[F] dated 08/04/2022)

CrI.R.C.(MD)No.325 of 2020

&

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KMV(CO)

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