



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOAN**

Crl.O.P.(MD)No.10563 of 2019

and

Crl.M.P.(MD) Nos.6635 and 6636 of 2019

WEB COPY

D.Murugesh

... Petitioner

Vs.

1. M.Lekshmi

2. Minor. Vishakan

S/o.D.Murugesh

Represented by his mother

M.Lakshmi.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Private Complaint in M.C.No.4 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate Court, Boothapandy, Kanyakumari District and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

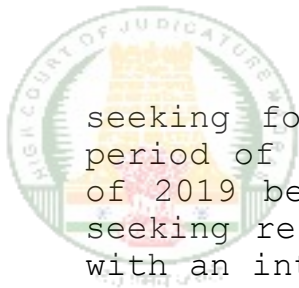
For R1 : Mr.K.Vamanan

For R2 : Minor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.4 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate Court, Boothapandy, Kanyakumari District.

2. The grievance of the petitioner is that the petitioner had filed H.M.O.P.No.117 of 2017 on before the learned Principal Subordinate Judge, Nagercoil, Kanyakumari District, seeking divorce, for dissolving the marriage which took place on 30.06.2014. Subsequently, the respondents herein filed an application in I.A.No.655 of 2018 in H.M.O.P.No.117 of 2017 before the learned II Additional Subordinate Judge, Nagercoil for interim maintenance and the same was allowed, by directing the petitioner herein to pay a sum of Rs.15,000/- per month to the respondent. The petitioner is regularly paying the interim alimony of Rs.15,000/- from December 2018 to the respondents without any default till today. Thereafter, the respondents had filed a suit in O.S.No. 119 of 2019 before the learned Principal Sub Judge, Nagercoil, Kanyakumari District,



seeking for enhancement of maintenance amount. Belatedly, after a period of two years, the respondents have also filed H.M.O.P.No.10 of 2019 before the learned Principal Subordinate Judge, Nagercoil, seeking restitution of conjugal rights against the petitioner, only with an intention to harass the petitioner.

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3. In view of the above, this Court is of the opinion that interim maintenance has been already granted and when the same is paid by the petitioner, the present proceedings have been initiated by the respondents. The matter is pending from the year 2019. There is a request made by the learned counsel for the respondents that a direction may be issued to the learned District Munsif Cum Judicial Magistrate Court, Boothapandi, Kanyakumari District to expedite the enquiry and to complete the same within a short time.

4. Considering the facts and circumstances of the case and also considering the fact that, similar matter is pending before the concerned Court between the parties, there shall be a direction to the learned District Munsif cum Judicial Magistrate, Boothapandi, Kanyakumari District, to complete the process in M.C.No.4 of 2019 within a period of three months from the date of receipt of a copy of this order.

5. With the above said direction, this Criminal Original Petition is disposed of. Consequently the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Munsif Cum Judicial Magistrate,
Boothapandy, Kanyakumari District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15606[F] dated 31/03/2022)

Crl.O.P.(MD)No.10563 of 2019

and

Crl.M.P.(MD) Nos.6635 and 6636 of 2019

29.03.2022