



CrI.R.C.No.160 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.160 of 2020

K.Amalraj

... Petitioner

Vs.

Ramaprabha

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of Criminal Procedure Code to set aside the order made in M.P.No.304 of 2019 in M.C.No.275 of 2018 dated 05.08.2019 on the file of the VIth Additional Family Court, Chennai.

For Petitioner : Mr.N.Sankaravadivel

For Respondent : Ms.Annamma.K

ORDER

This Revision has been filed by the petitioner as against the order in M.P.No.304 of 2019 in M.C.No.275 of 2018 dated 05.08.2019 on the file of the VIth Additional Family Court, Chennai.



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2.The petitioner is the husband and the respondent is the Wife. The respondent wife filed a maintenance case before the VIth Additional Family Court, Chennai, pending the same, the respondent wife filed a Miscellaneous Petition for return of articles under Section 151 of C.P.C. The main M.C.No.275 of 2018 filed under Section 125 of Cr.P.C. which is only a summary in nature. The records reveals that both the parties are one way or the other way protecting the case. Despite the Hon'ble Supreme Court has given direction that both the parties have to file assets and liabilities within the stipulated time. Therefore, despite the Family Court directed the parties to file assets and liabilities, neither of the parties have obeyed the orders of the Family Court. They are only distracting the case one way or the other way, the scope of the maintenance case is very limited and also procedure is also summary in nature. Therefore the Miscellaneous Petition filed under Section 151 of C.P.C. for return of articles and that the Maintenance Case is not considered, the Family Court failed to consider the scope and object of the Section 125 Cr.P.C. and left the Maintenance Case without proceeding further and ordered the M.P.No.304 of 2019 which is against their jurisdiction. Therefore, the order passed in M.P.No.304 of 2019 dated 05.08.2019 is set aside and the respondent and the petitioner herein in the said parties in the Miscellaneous Petition are



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granted liberty to work out their remedy in the manner known to law.

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3. Both the parties are directed to file the assets and liabilities before the Family Court within two weeks if already not filed and the Family Court is directed to dispose of the Maintenance Case within a period of two months from the date of receipt of a copy of this order. Both the parties are further directed to extend their fullest co-operation to the Court to dispose of the Maintenance Case. If the parties are not extending their co-operation to the Family Court to dispose of the Maintenance Case, the Family Court is directed to dispose the same based on the assets and liabilities filed by both the parties, since the procedure under Section 125 Cr.P.C. is only a summary in nature, if any of the parties are not co-operating, the Family Court can dispose the case based on the merits of the case and in accordance with the law.

4. With the above directions, this Revision is allowed.

04.01.2023

Index: Yes/ No
Speaking Order : Yes/ No
gba

Registry is directed to issue order copy on 19.01.2023

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P.VELMURUGAN,J.

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To

The VIth Additional Family Court,
Chennai.

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