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Crl.O.P.No.6247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6247 of 2023

and

Crl.M.P.No.3906 of 2023

1.H.Sumathi

2.H.Stella

...

Petitioners

-VS-

K.Harikrishnan

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records pertaining to M.P.No.805 of 2022 from IIIrd Additional Family Court Judge at Chennai, pending on the file and to quash the same.

For Petitioner

... Mr.R.Krishnamurthy

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to M.P.No.805 of 2022 from IIIrd Additional Family Court Judge at Chennai, pending on the file and to quash the same.



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2. It is the submission of learned counsel for the petitioners that, learned IIIrd Additional Family Court Judge, Chennai passed an Order of maintenance to the petitioners in M.C.No.287 of 2006 on 08.11.2019. Against the said order, respondent filed Revision before this Court in Crl.R.C.No.180 of 2020 and that was dismissed on 18.08.2020. Respondent has filed SLP in SLP(Crl).No.2163-2164 of 2021 against the order passed in Crl.R.C.No.180 of 2020 and that was also dismissed by Hon'ble Supreme Court of India.

3. When that being the case, petitioner filed M.P.No.805 of 2022 under Section 127 Cr.P.C for cancelling the maintenance award in respect of 2nd petitioner Stella, for the reason that, Stella was born on 24.10.1990 and she attended majority on completion of 18 years in October 2008 and therefore, maintenance should have been restricted from June 2006 to October 2008 and not beyond that. It is the submission of learned counsel for the petitioners that petitioners filed counter and also advanced arguments. It is his submission that, in the light of the Order passed in M.C.No.287 of 2006 and Crl.R.C.No.180 of 2020 by this Court and



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SLP(Crl).Nos.2163-2164 of 2021 by Hon'ble Supreme Court of India, the petition in M.P.No.805 of 2022 is not maintainable.

4. It appears from the submission of learned counsel for the petitioners that, this M.P.No.805 of 2022 is not finally disposed by the learned IIIrd Additional Family Court Judge, Chennai. When the matter is still pending, this petition is filed before this Court for quashing the proceedings in M.P.No.805 of 2022 passed by learned IIIrd Additional Family Court Judge at Chennai is not appropriate.

5. However, considering the fact that, counter was already filed in the case and petitioners made their submissions, this Court directs the learned IIIrd Additional Family Court Judge, Chennai to dispose M.P.No.805 of 2022 within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above directions, this Criminal Original Petition is



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disposed. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To

The IIIrd Additional Family Court Judge,
Chennai.

G.CHANDRASEKHARAN, J.



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