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Crl.O.P.No.8482 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8482 of 2023 and
Crl.M.P.Nos.5381 & 5382 of 2023

Maran

...Petitioner

Vs.

1.Anitha

2.Philomena

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records of the M.C.No.48 of 2022 on the file of the learned Family Court Judge, Pondicherry and quash the same.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : No appearance

ORDER

This Criminal Original Petition has been filed to call for the records of the M.C.No.48 of 2022 on the file of the learned Family Court Judge, Pondicherry and quash the same.



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M.C.No.48 of 2022 on the following grounds:-

i)First respondent Ananthi is not his wife.

ii)Second respondent is not his daughter. Second respondent is aged 22 years and she has become major and she is not entitled to maintenance under Section 125 (1) Cr.P.C.

iii)First respondent Ananthi was married to one Manohar, and delivered a female child through him. For maintaining the female child, first respondent got a sum of Rs.2,00,000/- from petitioner. In this regard a settlement deed dated 14.07.2015 was entered.

3.On these grounds, the learned counsel for the petitioner submitted that petition filed under Section 125 (1) (a) (c) Cr.P.C. by the respondents 1 and 2 is not maintainable.

4.Considered the submissions of learned counsel for the petitioner and perused the records.



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5. Petition averments made in M.C.No.48 of 2022 show that first respondent and petitioner were in love with each other and as a result second respondent was born on 01.12.1999. They claim that the petitioner is not taking care of them, therefore, the maintenance petition is filed. The submissions of the learned counsel for the petitioner that first respondent is not legally married wife, second respondent is not born to him and that first respondent got a sum of Rs.2,00,000/- from the petitioner are all disputed facts to be considered only by the trial Court. It is claimed that Maran, son of Gopalakrishnan was dead. It is not known how Maran, son of Gopalakrishnan is connected with this case, when it is claimed that petitioner's father name is Durai. All these facts, especially the disputed facts, are to be considered only by the trial Court. This Court cannot go into all these disputed facts in a petition under Section 482 Cr.P.C. Therefore, this petition is dismissed giving liberty to the petitioner to raise all the issues before the Family Court, Pondicherry. The learned Family Judge, Pondicherry, is directed to consider the issues raised by the



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petitioner in the form of counter and dispose the case in M.C.No.48 of 2022 on merits and in accordance with law.

6.With the above directions and observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

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