



Crl.O.P.No.6490 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

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

Crl.O.P.No.6490 of 2014

Suresh Kumar

...Petitioner

-Vs-

1. Shanmugapriya

2. The Branch Manager,
ING Visya Bank Ltd,
Mount Road Branch,
185, Annasalai,
Chennai.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 10.01.2014 passed in C.M.P.No.98 of 2013 in DVOP No.55 of 2013 on the file of Judicial Magistrate, Mahila Court, Salem and allow the above Criminal Original Petition.

For Petitioner : Mr.R.Nalliyappan

ORDER

Today, this matter has been listed under the caption “Entire Bundle not available cases”.



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2. This Criminal Original Petition has been filed to set aside the order dated 10.01.2014 passed in C.M.P.No.98 of 2013 in DVOP No.55 of 2013 on the file of Judicial Magistrate, Mahila Court, Salem and allow the above Criminal Original Petition.

3. A perusal of the order passed by the Trial Court revealed that the petitioner is the husband of the first respondent. The first respondent filed a complaint under Domestic Violence Act. Even before that, on the complaint lodged by the first respondent, FIR was registered in Crime No.10 of 2013 as against the petitioner. Pending complaint, the first respondent filed a petition in C.M.P.No.32 of 2013 seeking interim maintenance.

4. Considering the facts and circumstances and also the income of the petitioner, the Trial Court directed the petitioner to pay a sum of Rs.10,000/- as interim maintenance. However, the said order was not complied with. Therefore, the first respondent filed an application under Section 31 of the Domestic Violence Act. Even then, the petitioner failed to comply the same and as such, the respondent lodged a complaint and the same has been registered in Crime No.10 of 2013, on the file of the Inspector of Police, Salem under Section 31 of the Domestic Violence Act and the same is pending for investigation. Thereafter,



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the respondent filed an application under Section 20(6) of the Domestic Violence Act, to freeze the account of the petitioner in order to comply the order passed in C.M.P.No.32 of 2013. Even till today, the domestic violence complaint is pending and as such, this Court finds not infirmity or illegality in the order passed by the Trial Court in C.M.P.No.98 of 2013 in DVOP No.55 of 2013 dated 10.01.2014 and this petition is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

23.11.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
mn

G.K.ILANTHIRAIYAN, J.



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To

The Branch Manager,
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Mount Road Branch,
185, Annasalai,
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