



Crl.O.P.No.17241 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.17241 of 2021

and

Crl.M.P.No.9471 of 2021

Periyasamy	...	Petitioner
	/vs/	
Anaiyammal	...	Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to set aside the order passed in Crl.M.P.No.531 of 2020 in Crl.Rev.No.02 of 2020 dated 18.01.2021 on the file of the learned Principal District and Sessions Judge, Perambalur.

For Petitioner	...	Mr.C.Muruganandam
Respondent	...	Notice Served (No appearance)

ORDER

Challenging the order passed in Crl.M.P.No.531 of 2020 in Crl.Rev.No.02 of 2020 dated 18.01.2021 on the file of the learned Principal District and Sessions Judge, Perambalur, the present criminal original petition has been filed.



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2.The learned counsel for the petitioner submitted that the respondent denied the release deed executed by her before the Chief Judicial Magistrate, Perambalur, in M.C.No.41 of 2017 and the trial Court awarded maintenance, against which, the petitioner filed a revision in Crl.R.C.No.02 of 2020 on the file of the learned Principal District and Sessions Judge, Perambalur. In the revision, the petitioner filed a petition in Crl.M.P.No.531 of 2020 for forwarding Ex.R1 alleged release deed for getting forensic opinion. The learned judge dismissed the petition. Hence, it is under Challenge.

3.I have considered the matter in the light of the submission made by the learned counsel for the petitioner and perused the materials available on records.

4.On perusal of the fact and the impugned order, it reveals that the petitioner and the respondent are husband and wife. The marriage between them took place for the past 30 years. The petitioner has mentally and cruelly tortured the respondent, so, she gave a complaint before the District



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Social Welfare Officer on 07.08.2018 and on the basis of the complaint, the

District Social Welfare Officer filed a petition before the Additional Mahila

Court, Perambalur and the same has been numbered as D.V.C.No.06/2019.

On 14.09.2019, the Additional Mahila Court, Perambalur has passed an

order that the petitioner has not disturbed the respondent and gave a part of

the house and also to pay a sum of Rs.2,000/- to the respondent as

maintenance. Further, the respondent has filed a maintenance case in

M.C.No.41 of 2017 before Chief Judicial Magistrate Court, Perambalur.

The learned Chief Judicial Magistrate on 20.12.2019 directed the petitioner

to pay a sum of Rs.3,000/- per month as maintenance, against which the

petitioner filed a criminal revision case in Crl.R.C.No.02 of 2020 before

the Principal District and Session Judge, Perambalur, in which, the

petitioner filed an application in Crl.M.P.No.531 of 2020 under Section 45

of the Indian Evidence Act, 1872, seeking to send document Ex.R1 for

getting forensic opinion with regard to the thumb impression of the

respondent/wife. In the impugned order, the learned judge in para 7

extracted the evidence of the respondent/wife, in which, the wife admitted

her thumb impression in Ex.R1 but denied the fact that it was obtained for



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purchasing a car. Under these circumstances, the trial Court observed that the petitioner failed to prove the release deed. Since the wife not denied her thumb impression, only denied the fact, for which, it was obtained. Under these circumstance, the petitioner has to prove for what purpose, he obtained thump impression in Ex.R1. Under these circumstance, it is not warranted to forward Ex.R1 for getting forensic report with regard to thumb impression of the respondent/wife. Therefore, I find no infirmity in the order passed by the trial Court.

In the result, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

12.07.2023

To

The Principal District and Sessions Court,
Perambalur.

V.SIVAGNANAM,J.



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