



Crl.O.P.No.23116 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

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

Crl.O.P.No.23116 of 2021

and

Crl.M.P.No.12668 of 2021

Beemaraj

...Petitioner

Vs.

Jayanthi

...Respondent

PRAYER : This Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the docket order passed in C.M.P.No.842 of 2017 in M.C.No.16 of 2015 dated 06.09.2021 on the file of the Judicial Magistrate Court at Katpadi.

For Petitioner : Party-in-person

For Respondent : Ms.S.Sweda for
Mr.Arun Anbumani



Crl.O.P.No.23116 of 2021

ORDER

WEB COPY

This petition has been filed challenging the docket order passed in C.M.P.No.842 of 2017 in M.C.No.16 of 2015 dated 06.09.2021, on the file of the Judicial Magistrate Court at Katpadi.

2. The petitioner is the husband and the respondent is the wife. Both got married and gave birth to a child. Thereafter, due to misunderstanding they got separated. Since the respondent could not maintain herself, she filed a petition for maintenance in M.C.No.16 of 2015.

3. However, the petitioner failed to appear before the trial Court in M.C.No.16 of 2015 and as such, he was set *exparte* by an order dated 28.12.2015, thereby directing the petitioner to pay a sum of Rs.15,000/- per month as maintenance to the respondent herein. However, he failed to comply with the said order.

4. Therefore, the respondent has filed an application under Section



CrI.O.P.No.23116 of 2021

125(3) of Criminal Procedure Code, to execute the order passed by the Trial Court in M.C.No.16 of 2015 and the trial Court by an order dated 06.09.2021, ordered to arrest the petitioner. It is not challenged in this said petition. While granting interim stay, this Court imposed a condition and directed the petitioner to deposit a sum of Rs.10,00,000/- within a period of four weeks. However, the petitioner has failed to comply with the order. Though, the petitioner was set *exparte* before the trial Court, the petitioner did not take any steps to set aside the *exparte* order and did not take any steps to file any appeal as against the said order.

5. Therefore, this Court finds no infirmity or any illegality in the order passed by the trial Court. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

20.10.2023

veda/vca
Internet: Yes/No
Index : Yes/No
Speaking/Non speaking order

Page 3 of 4



WEB COPY



Crl.O.P.No.23116 of 2021

G.K.ILANTHIRAIYAN. J.

veda/vca

To

1.The Judicial Magistrate Court, Katpadi.

2.The Public Prosecutor,
High Court,
Madras.

Crl.O.P.No.23116 of 2021

and

Crl.M.P.No.12668 of 2021

20.10.2023

Page 4 of 4