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Crl.M.P.Nos.14394 & 14396 of 2023
in Crl.R.C.No.187 of 2021

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SATHI KUMAR SUKUMARA KURUP, J.

Learned Counsel for the Petitioner in Crl.M.P.No.14394 of 2023 in Crl.R.C.No.187 of 2021 is the daughter. She had filed this Petition seeking permission of this Court to withdraw the amount of Rs.1 lakh deposited by her father to the credit of Crl.R.C.No.187 of 2021.

2. The learned Counsel for the Respondent objects to the same, stating that he had filed Crl.M.P.No.14396 of 2023 in Crl.R.C.No.187 of 2021 for withdrawal of the amount by him.

3. Further, the learned Counsel for the Petitioner in Crl.M.P.No.14394 of 2023 in Crl.R.C.No.187 of 2021 submits that at the admission stage in Crl.R.C.No.187 of 2021, this Court had ordered to deposit Rs.1 lakh towards expenses for DNA test.

4. Crl.R.C.No.187 of 2021 was filed by the Respondent in M.C.No.522 of 2008 before the Family Court, Chennai. In M.C.No.522 of 2008, the father had disputed the paternity of the Petitioner in the Maintenance Case. M.P.No.604 of 2017 in M.C.No.522 of 2008 was filed by the Respondent in



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the Maintenance Case for DNA test. The learned IV Additional Principal Judge, Family Court, Chennai, had dismissed M.P.No.604 of 2017 in M.C.No.552 of 2008 by order dated 20.09.2018. Aggrieved by the order of dismissal by the learned IV Additional Principal Judge, Family Court, Chennai, the Criminal Revision Case was filed.

5. At the admission stage of the Criminal Revision Case, this Court had directed the Revision Petitioner/father to deposit Rs.1 lakh in the Court deposit. After hearing the Criminal Revision Case, Crl.R.C.No.187 of 2021 was dismissed as per the order dated 18.10.2022. Therefore, the Petitioner in Criminal Revision Case seeks to withdraw the amount deposited by him and objecting to the Petition filed by the daughter in Crl.M.P.No.14394 of 2023 in Crl.R.C.No.187 of 2021 seeking withdrawal of the amount.

6. On perusal of the order passed in Crl.R.C.No.187 of 2021 dated 18.10.2022, it is found that the contention of the Revision Petitioner was rejected by this Court on the ground that the order passed by the learned IV Additional Principal Judge, Family Court, Chennai, is a well-reasoned order. Further, the contention of the Petitioner in the Criminal Revision Case, who is the Petitioner in M.P.No.604 of 2017 in M.C.No.552 of 2008 who had



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earlier had filed O.P.No.9629 of 1997 before the Hon'ble High Court, Kerala, in which he had disputed the paternity of the daughter. He had filed C.M.P.No.30681 of 1997 seeking DNA test. Accordingly, the Hon'ble High Court, Kerala, had ordered DNA test. By the time the report of the DNA test was received in the Registry of the Hon'ble High Court, Kerala with sealed cover, the Petition filed by the Petitioner in M.P.No.604 of 2017 in M.C.No.522 of 2008/Petitioner in O.P.No.9629 of 1997 before the Hon'ble High Court, Kerala, was dismissed as the learned Counsel for the Petitioner before the Hon'ble High Court, Kerala, reported no instructions and the Petitioner was also called absent before the Hon'ble High Court, Kerala. The DNA test was received in the Registry of the Hon'ble High Court, Kerala, in a sealed cover. While so, the Maintenance Case was preferred before the Family Court, Chennai. The Respondent in Crl.R.C.No.187 of 2021 had obtained the certified copy of DNA test from the Registry of the Hon'ble High Court, Kerala, and marked the same before the learned IV Additional Principal Judge, Family Court, Chennai during enquiry in M.P.No.604 of 2017 in M.C.No.522 of 2008.



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7. It is the contention of the learned Counsel for the Petitioner that the entire DNA report was not placed before the Family Court, Chennai. Therefore, the reliance placed by the Family Court, Chennai, on the same DNA report cannot be accepted. Therefore, he had come before this Court against the order of dismissal by the learned IV Additional Principal Judge, Family Court, Chennai. This Court, in Crl.R.C.No.187 of 2021, did not accept the contention of the Revision Petitioner and had dismissed Crl.R.C.No.187 of 2021. Therefore, the amount that was deposited by the Revision Petitioner is to be treated as cost to be awarded to the Respondent.

8. Accordingly, Crl.M.P.No.14394 of 2023 in Crl.R.C.No.187 of 2021 filed by the daughter is allowed and Crl.M.P.No.14396 of 2021 in Crl.R.C.No.187 of 2021 filed by the father is dismissed.

04.10.2023

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