



Crl.R.C.(MD) No.381 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.381 of 2023
and
Crl.M.P.(MD)No.5658 of 2023

N.Kanagashanmugam

... Petitioner

Vs.

Meenakshi

...Respondent

Prayer : This Criminal Revision has been filed under Section 397(1) r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Cr.M.P.No.23 of 2023 in M.C.No.50 of 2019, dated 04.02.2023 on the file of the Family Court, Thanjavur.

For Petitioner : Mr.A.Senthilkumar

ORDER

This Criminal Revision Petition is directed against the order passed in in Cr.M.P.No.23 of 2023 in M.C.No.50 of 2019, dated 04.02.2023 on the file



Crl.R.C.(MD) No.381 of 2023

of the Family Court, Thanjavur, dismissing the petition seeking permission to examine the some of the witnesses cited in the petition.

2. Admittedly, the respondent, who is the wife of the petitioner, has filed a petition under Section 125 Cr.P.C, claiming maintenance. After closure of the evidence on the side of the complainant, the petitioner has filed an application seeking permission to examine four witnesses, namely the respondent's two brothers and sister.

3. The learned counsel for the petitioner would submit that the brothers and sister of the respondent were sought to be summoned to prove the age of the respondent. He would further submit that the marriage itself has not been consummated and that the respondent was not entitled for the relief.

4. Even according to the learned counsel for the petitioner, the application for restitution of conjugal rights and the petition for divorce were already dismissed and now the appeals are pending. The learned Judge of Family Court, after enquiry, has passed an elaborate order giving reasons for negating the relief claimed by the petitioner.



Crl.R.C.(MD) No.381 of 2023

5. Admittedly, the proceedings under Section 125 Cr.P.C., is a summary proceedings and the case is pending from 2019 onwards. On perusal of the records, it is clearly evident that the petitioner by filing the above application, has attempted to gather evidence for the matrimonial proceedings, now pending in appeal.

6. On perusing the entire facts and circumstances of the case, this Court is of the clear view that the impugned order, dismissing the application cannot be found fault with. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed.

7. Considering the fact that the Maintenance Case is pending from 2019 onwards, the learned Judge, Family Court, Thanjavur, is directed to dispose of the case within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



WEB COPY



Crl.R.C.(MD) No.381 of 2023

K.MURALI SHANKAR, J.

das

To

The Judge, Family Court,
Thanjavur.

ORDER MADE IN
Crl.R.C.(MD)No.381 of 2023

10.04.2023