



Crl.O.P.(MD)No.7911 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.7911 of 2023

Anton Victoria

... Petitioner

Vs.

1.Ganeswari @ Blessy

2.Minor.Saccriyash

3.Minor.Simon Salom

(Minor Respondents 2 and 3 through their mother and next friend namely the 1st respondent)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to impugned dismissal order dt/15/10/2022 made in Crl.M.P.No.164/2021 in Crl.M.P.No.179/2020 in MC No.21/2017 on the file of the learned Family Court, Thoothukudi and set aside the same.

For Petitioner : Mr.S.Deenadayalan

ORDER

This petition is filed seeking to set aside the impugned dismissal order dt/15/10/2022 made in Crl.M.P.No.164/2021 in Crl.M.P.No.179/2020 in MC No.21/2017 on the file of the learned Family Court, Thoothukudi.



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2.M.C.No.21 of 2017 was filed by the respondent seeking maintenance for herself and the children. It was allowed, granting maintenance to the respondent, against which, revision was preferred by the petitioner and the revision was partly allowed. But that order copy is not available in the bundle. After the disposal of the revision, a petition has been filed by the respondent seeking execution of the order of maintenance. Pending the above said petition, it appears that the petitioner filed a petition under Section 91 Cr.P.C. seeking production of some documents from the respondent, that came to be dismissed by the trial Court after elaborate consideration.

3.It seems to be found that the order of maintenance was not properly complied by the petitioner and as on date Rs.3.850 lakhs is pending due. Considering the facts and circumstances of the case, the above said petition was dismissed. This Court could not understand the reason for filing petition under Section 91 Cr.P.C. Because, the above said main petition was filed by the respondent for recovery of arrear of maintenance. This petitioner ought to have filed proper petition for modification or for seeking any other relief. The petition filed by him himself is misconceived one. It has been rightly dismissed by the trial



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Court. It does not requires any interference. There is no merits in this case. This petition deserves to be dismissed.

4.Accordingly, this criminal original petition is dismissed.

Index : Yes/No
Internet : Yes/No
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27.04.2023

To

1.The Judge, Family Court, Thoothukudi.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA. J.

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