



Crl.O.P(MD).No.11361 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.11361 of 2020

and

Crl.M.P.(MD)Nos.5184 and 5185 of 2020

Muralidharan

...Petitioner

Vs

Minor. Poorvisha
Rep. by her mother and natural
guardian
Sangeetha

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the impugned proceedings in M.C. No.6 of 2019 on the file of the Judicial Magistrate Court, Musiri and quash the same.

For Petitioners : Mr.M.Saravanan

For Respondent : Mr.N.Sudhagar Nagaraj

ORDER

This petition is filed to quash the impugned proceedings in M.C. No. 6 of 2019 on the file of the learned Judicial Magistrate, Musiri

2.According to the petitioner the respondent filed application before the trial Court under Section 125 of Cr.P.C., for maintenance.

Already the same petitioner in HMOP No.37 of 2017 before the Family



CrI.O.P(MD).No.11361 of 2020

Court, Trichy got maintenance for herself and for minor child as full quit in the year 2017. Thereafter suppressing the above said fact this present application has been filed as if it is filed at the first instance before the trial Court. Suppressing the material facts and filing petition before this Court is abuse of process of law and thereby the petition is liable to be dismissed.

3. No counter was filed by the respondent.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would contend that the respondent has not approached this Court with clean hands and she has suppressed the material facts that already permanent alimony was given and she has also endorsed in the HMOP No.37 of 2017 before the Family Court, Trichy and received a sum of Rs.2,50,000/- as full quit for herself and her child.

5. The learned counsel appearing for the respondent would fairly concede that earlier permanent alimony received by the respondent was not mentioned in the petition and without going into merits of the case he has given undertaking to withdraw the pending M.C. No.6 of 2019 on the file of the learned Judicial Magistrate, Musiri with liberty to file fresh application for enhancement of maintenance.



Crl.O.P(MD).No.11361 of 2020

WEB COPY

6. In view of the above said submission without going into the merits of the case and recording the submission made by the learned counsel appearing for the respondent that he would withdraw the application on the next hearing and after withdrawal he can approach the very same Court for enhancement of maintenance .

7. With the above observation, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petitions are closed.

11.09.2023

Index : Yes / No
Internet : Yes / No
aav

To

The Judicial Magistrate Court, Musiri



WEB COPY



Crl.O.P(MD).No.11361 of 2020

P.DHANABAL, J.

aav

Crl.O.P.(MD).No.11361 of 2020

11.09.2023