



CRL OP(MD). No.17702 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

CORAM

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17702 of 2023

Kathiravan

... Petitioner / Accused

Vs

Velusamy

... Respondent/Complainant

Prayer:

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue a direction, directing the Family Court, Dindigul to number the application filed by the petitioner under 127(1) of the Cr.P.C in unnumbered Crl MP No. of 2023 in M.C No.7/2010 and further direct the Family Court to proceed with the application on merits.

For Petitioner : M/s.D.Venkatesh



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ORDER

This Criminal Original Petition is filed seeking for a direction, to the Family Court, Dindigul to number the application filed by the petitioner under 127(1) of the Cr.P.C in unnumbered Crl MP No. of 2023 in M.C No.7/2010 and further direct the Family Court to proceed with the application on merits.

2. The learned counsel for the petitioner submitted that the issue is between the father and the son. Respondent is the father. He filed M.C.No.7 of 2010 before the Family Court, Dindigul. That was also allowed by granting Rs.6,500/- as maintenance. Later the respondent filed Cr.M.P.No.229 of 2017, seeking enhancement that was also considered by the Family Court and the maintenance amount was enhanced to Rs.8,500/-. Against which this petitioner preferred a revision before this Court in Crl.R.C.(MD)No.160 of 2020 that was considered and the amount was reduced to Rs.7,500/-. After disposal of the revision, this petitioner again moved the trial Court for reduction of the amount, on the change of circumstances, with an application for the



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purpose of altering the maintenance amount. Without considering the same, the Family Court, thought it fit to return the petition on the administration side stating that this petitioner has already approached this Court by way of revision and therefore, that petition is not maintainable by the trial Court.

3. The maintainability should be considered only on the judicial side. With regard to maintainability, an opportunity may be given to the petitioner to make his submission. Eventhough representation was made by the petitioner by submitting the maintainability of the petition on the administrative side, the trial Court has returned the petition.

4. On the sole ground the order impugned in this petition is set aside and the trial Court is directed to process the petition and decide the same on the judicial side on the point of maintainability. For that purpose, the petitioner is directed to represent the petition before the concerned Court, since original documents are available only with the petitioner now.



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5. Accordingly, this Criminal Original Petition is allowed.

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(G I J)
05.10.2023

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To

1. The Family Court, Dindigul.



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G.ILANGOVAN, J.

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