



Crl.O.P.(MD).No.19601 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.19601 of 2023
and Crl.M.P.(MD).No.15372 of 2023

Kameshwari

... Petitioner

Vs.

Selvaraj

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the petition in Crl.M.P.No.307 of 2023 in M.C.No.22 of 2019 on the file of the Family Court, Sivagangai and Quash the same against the petitioner.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.P.Aju Tagore

ORDER

This petition has been filed seeking quashment of the proceedings in Crl.M.P.No.307 of 2023 in M.C.No.22 of 2019 on the file of the Family Court, Sivagangai.

2.Aggrieved over the grounds that has been raised by the respondent in Crl.M.P.No.307 of 2023, this petition has been filed by the



Crl.O.P.(MD).No.19601 of 2023

wife. According to the petitioner, originally Rs.15,000/- (Rupees Fifteen Thousand only) was fixed by the trial Court by the order, dated 25.11.2019 in M.C.No.22 of 2019. Not satisfied over the quantum, the husband preferred revision before this Court in Crl.R.C.(MD).No.440 of 2020. That came to be dismissed on 28.09.2022, confirming the order of the trial Court. After that the husband preferred Crl.M.P.No.307 of 2023 seeking modification of the order on the same line of the revision petition averments. Another grievance of the petitioner is that the trial court without noticing the balance amount to be paid by the husband, it is keeping on granting adjournments.

3.The learned counsel for the respondent would submit that the interim order was passed by the trial Court namely the Family Court, Sivagangai, by which, it is ordered to pay the balance amount of Rs.4.25 lakhs, which is also admitted by this petitioner before the trial Court. An amount Rs.91,208/- along with Rs.4,000/- cost has been paid. According to the learned counsel for the respondent that amount was also paid in the form of Demand Draft. Now according to him, the remaining Rs.3.20 lakhs to be paid by the respondent. If the petitioner got any grievance



Crl.O.P.(MD).No.19601 of 2023

over the above said balance amount, he can approach the concerned trial Court itself. I find no reason to entertain this petition. Without any change of circumstances, it cannot be considered by this Court. It is purely factual issue, that too on the ground of change of circumstances.

4.Let the above said petition in Cr.M.P.No.307 of 2023 be disposed of within a period of two months from the date of receipt of a copy of this order.

5.With the above said directions, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

04.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judge, Family Court, Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



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Crl.O.P.(MD).No.19601 of 2023

G.ILANGOVAN,J.

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Crl.O.P.(MD).No.19601 of 2023

04.12.2023