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Crl.R.C.No.70 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.70 of 2024

and

Crl.M.P.No.512 of 2024

S.Bakyalakshmi

... Petitioner

Vs.

T.Arunkrishna

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 04.10.2023 passed in Crl.M.P.No.2515 of 2022 in M.C.No.1 of 2022 on the file of the Judicial Magistrate - I, Madhuranthagam and allow the criminal revision.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.D.S.Ramesh

ORDER

The Criminal Revision Case is filed against the impugned order dated 04.10.2023 passed in Crl.M.P.No.2515 of 2022 in M.C.No.1 of 2022



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by the learned Judicial Magistrate - I, Madhuranthagam.

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2. The case of the petitioner is that the petitioner is the wife of the respondent and the marriage between the petitioner and the respondent was solemnized on 15.09.2016 as per Hindu Rites and Customs. Subsequently, there was a matrimonial dispute between them and the petitioner was driven out from the matrimonial house. While so, the respondent filed H.M.O.P.No.62 of 2020 seeking divorce and the same is pending for consideration. In such circumstances, the petitioner filed a petition in M.C.No.1 of 2022 on the file of the Judicial Magistrate No.I, Madhuranthagam seeking maintenance. Pending petition, the petitioner filed a petition in C.M.P.No.2515 of 2022 under Section 125 of Cr.P.C. to direct the respondent to produce the documents mentioned in the petition. However, the trial Court, without proper adjudication, has allowed the petition in part by directing the respondent to produce the documents, namely, f, g and h mentioned in the petition. Challenging the same, the present petition has been filed by the petitioner.



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3. The learned counsel appearing for the petitioner submitted that in order to prove the assets of the respondent, the petitioner has filed a petition in C.M.P.No.2515 of 2022 before the Judicial Magistrate No.I, Madhuranthagam, to direct the respondent to produce the following documents:

- (a) Ration card of the respondent;
- (b) Voter card of the respondent;
- (c) Pan card of the respondent;
- (d) Passport of the respondent;
- (e) Driving licence of the respondent;
- (f) State of all Bank Accounts of the respondent including savings, current accounts for the last three years;
- (g) Property documents in respect of respondent house at No.43, AG Block, 3rd Street, Anna Nagar, Narayanadhanam, Chennai; and
- (h) documents in respect of immovable properties owned by the respondent's parents namely, Thirmurugan and Shenbagadhanam.

However, the trial Court directed the respondent to produce the documents, namely, f, g and h as mentioned above. He further submitted that if any contra evidence is filed by the petitioner with regard to the documents, i.e.,



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f, g and h before the trial Court, this Court may issue a direction to the trial Court to take cognizance as against the respondent as per the penal provisions.

4. The learned counsel appearing for the respondent submitted that there are some immovable properties and ancestral properties in the documents which were directed to be produced by the respondent vide impugned order dated 04.10.2023 and therefore, it cannot be construed that the properties contained in the documents belong to the respondent. The respondent is ready to file an affidavit to that effect before the trial Court.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. It appears that the petitioner, who is the wife of the respondent, has filed a petition under Section 125 of Cr.P.C in C.M.P.No.2515 of 2022



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in M.C.No.1 of 2022 before the Judicial Magistrate No.I, Madhuranthagam seeking a direction to the respondent to produce the documents mentioned in the petition. However, the trial Court directed the respondent to produce the documents, with regard to f, g and h as mentioned above. Aggrieved over the same, the petitioner has filed the present petition. Therefore, in order to give an opportunity to the petitioner / wife to put forth her case, this Court is inclined to dispose of the case with the following directions:

(i) the respondent / husband is directed to file an affidavit before the trial Court with regard to the documents f, g and h within a period of two weeks from the date of receipt of a copy of this order;

(ii) Upon filing the affidavit by the respondent, the petitioner / wife is at liberty to file reply affidavit with regard to the documents f, g and h before the trial Court;

(iii) If any contra evidence is filed by the petitioner / wife with regard to the documents f, g and h, the trial Court is directed to take cognizance as against the



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respondent / husband and shall dispose of M.C.No.1 of 2022 within a period of three months from the date of filing of reply affidavit by the petitioner / wife on merits in accordance with law.

7. Accordingly, the Criminal Revision Case is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

The Judicial Magistrate - I,

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