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CrI.O.P.No.18787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.18787 of 2023
& CrI.M.P.No.3796 of 2024

Sandhiya.

... Petitioner/Respondent

/versus/

1. Kaaliammal.

2. Madhavan.

... Respondents/Complainants

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in M.C.No.15 of 2022 on the file of the Judicial Magistrate No.II, Thirupattur and quash the same.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondents : Mr.D.Danial

ORDER

This Criminal Original Petition is filed to call for the records in M.C.No.15 of 2022 on the file of the Judicial Magistrate No.II, Thirupattur.



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2. The petition under Section 125 of Cr.P.C is filed by the mother-in-law against her widowed daughter-in-law on the ground that her son died in harness and therefore, her daughter-in-law got appointed in Government service under the compassionate appointment and therefore, she has moral responsibility to maintain her.

3. This Court cannot enforce moral liability when the law does not provide for that. Furthermore, it is admitted that the petitioner in M.C.No.14 of 2022 is having two other sons alive and therefore, she cannot claim maintenance from his widowed daughter-in-law. Hence, the criminal complaint in M.C.No.15 of 2022 on the file of Judicial Magistrate No.II, Thirupattur stands quashed.

4. Recording the same, this Criminal Original Petition is allowed. Consequently, the Criminal Miscellaneous Petition No.3796 of 2024 is filed to vacate the stay granted by this Court in Cr.L.M.P.No.12540 of 2023 is closed.

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Index : Yes/No
Neutral Citation : Yes/No
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DR.G.JAYACHANDRAN,J.

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Copy to:-

1.The Judicial Magistrate No.II, Thirupattur.

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