



Crl.O.P.No.22565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.22565 of 2024

1. K.Gangavalli

2. D.Mithilesh Shankar

... Petitioners

Vs.

P.Dhinakaran

...Respondent

Prayer: Criminal Original Petition filed under Section 528 BNSS, to order speedy trial of the case in M.C.No.26 of 2018 on the file of the Additional Mahila Court of Alandur, Chennai, and dispose of the same on the merits within a stipulated period fixed by this Court.

For Petitioners : M/s.Margaret

For Respondent : Mr.J.Nagarajan

ORDER

This petition has been filed seeking directions to the trial for speedy disposal of the case in M.C.No.26 of 2018 pending on the file of the Additional Mahila Court of Alandur, Chennai, and dispose of the same on the merits within a stipulated period fixed by this Court.



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2 Learned counsel for the petitioners would submit that the petitioners filed maintenance case in M.C.No.26 of 2018 against the respondent, who is husband of the first petitioner and father of the second petitioner, before the Additional Mahila Court at Alandur. Even after the lapse of six years, the case filed under Section 125 Cr.P.C. is pending without any progress. The respondent had not paid any single penny and has not even produced asset details before the Court below and thereby intentionally prolonging the case. The first petitioner is struggling to meet out her daily expenses and the educational expenses for the child, who is 8 years old. Therefore the petitioners, who are wife and minor child are before this Court seeking directions to the trial Court for speedy disposal of the maintenance case.

3 Heard the learned counsel appearing on either side and perused the materials available on record.

4 It is seen that the first petitioner is wife, second petitioner is minor child and the respondent is husband. The petitioners filed maintenance case under Section 125 Cr.P.C. against the respondent in M.C.No.26 of 2018 before



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the Additional Mahila Court at Alandur. Even after six years, the maintenance case is pending without any progress, which shows that the learned trial Judge has not understood the scope and object of Section 125 Cr.P.C., which is only summary procedure and can be decided based on the statement of assets and liabilities of the parties.

5 Therefore the learned Judicial Magistrate, Additional Mahila Court at Alandur, Chennai, is hereby directed to dispose of the case in M.C.No.26 of 2018 on or before 31.01.2025. Both the parties are directed to extend their fullest co-operation for the disposal of the case without fail.

6 With the above directions, this criminal original petition stands allowed.

02.12.2024

Speaking Order/Non Speaking Order
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Note: Issue Order copy on 17.12.2024

P.VELMURUGAN, J.,



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