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CrI.O.P.No.28243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28243 of 2024

and

CrI.M.P.No.15724 of 2024

V.Saravanan

... Petitioner

Vs.

1. Thenmozhi

2. Minor Nirumayi

Represented by her natural guardian and mother

Thenmozhi.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to issue a direction to the learned Family Court, Coimbatore District to permit the petitioner to cross examine the 1st respondent herein / 1st petitioner in M.C.No.161 of 2022 on the file of the Family Court, Coimbatore District and to let the petitioner's own evidence in M.C.No.161 of 2022.

For Petitioner : Mr.R.Saseetharan



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ORDER

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This Criminal Original Petition is filed to direct the Family Court, Coimbatore District to permit the petitioner to cross examine the first respondent herein / first petitioner in M.C.No.161 of 2022 on the file of the Family Court, Coimbatore District and to let the petitioner's own evidence in M.C.No.161 of 2022.

2. It is seen from the records that the respondents herein filed the case in M.C.No.161 of 2022 on the file of the Family Court, Coimbatore District seeking maintenance. The scope of Section 125 Cr.P.C is summary in nature and its object itself has to be decided within a short span of time and therefore, there is no need to conduct elaborate trial. In the case on hand, the relationship between the parties is admitted, however there is dispute regarding the status of the parties. The financial status of the husband and wife has to be decided by the learned Magistrate in the proceedings which is summary in nature. Since the first respondent/wife filed the affidavit of assets and liabilities statement regarding the petitioner, the petitioner has not filed the same. Based on the assets and liabilities of both the parties, the learned Magistrate is directed to dispose of the case on merits and in accordance with law.



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WEB COPY 3. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

12.11.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

The Judge,
Family Court,
Coimbatore District.



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P.VELMURUGAN, J

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