



Crl.O.P.(MD) No.205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.205 of 2024

and

CrI.M.P.(MD) No.146 of 2024

1.P.Subashini

2.Minor Aarna

3.Minor Aarav

...Petitioners

VS

P.Palaniappan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to set aside the order in Cr.M.P.No.940 of 2023 dated 02.12.2023 made in M.C.No.21 of 2018 on the file of the learned Chief Judicial Magistrate Court, Thanjavur at Kumbakonam within the time stipulated by this Court.

For Petitioners : Mr.N.S.Karthikeyan



Crl.O.P.(MD) No.205 of 2024

ORDER

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This Criminal Original Petition is filed to set aside the order passed in Cr.M.P.No.940 of 2023 dated 02.12.2023 in M.C.No.21 of 2018 on the file of the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam.

2.The learned counsel for the petitioners submits that the first petitioner is the wife. She had filed maintenance case seeking maintenance for her children alone. While so, the respondent as husband in the maintenance case filed counter stating that the wife is employed and she is capable of maintaining the children. It is the further submission of the learned counsel for the petitioners that the first petitioner by filing a petition in M.C.No.21 of 2018 had given assets and liability as per the reported ruling of the Hon'ble Supreme Court in the case of ***Rajnish Vs. Neha and others*** reported in ***MANU/SC/0833/2020***.

3.While so, this is an exercise by the respondent as husband in the maintenance case to delay the proceedings. When the first petitioner had given all the details regarding her income, job status and income tax



Crl.O.P.(MD) No.205 of 2024

assessment, there is no necessity for the respondent in maintenance case seeking pay particulars through the employer.

4.If the employers, particularly in IT Sector are summoned for these sort of cases, there is every likelihood of the employer taking it as harassment and terminating the service of the first petitioner. Therefore, the petitioners had approached this Court by filing this Criminal Original Petition under Section 482 of Cr.P.C., to set aside the order of the learned Judicial Magistrate, Thanjavur in Cr.M.P.No.940 of 2023 in MC.No.21 of 2018.

5.On perusal of the impugned order, it is found that the husband as respondent in the maintenance case sought to summon the Bank Manager regarding the Bank details of the first petitioner, which was not allowed by the learned Judicial Magistrate. Instead, the employer of the petitioners were alone summoned.

6.Considering the submission of the learned counsel for the petitioners that already the first petitioner furnished the details, the



Crl.O.P.(MD) No.205 of 2024

maintenance case is restricted to maintain the children and in the light of those developments, the summoning of documents from the employer is unwarranted. Therefore, this Criminal Original Petition is allowed. The order passed in Cr.M.P.No.940 of 2023 dated 02.12.2023 in M.C.No.21 of 2018 on the file of the learned Chief Judicial Magistrate Court, Thanjavur at Kumbakonam is hereby set aside. The learned Chief Judicial Magistrate, Thanjavur at Kumbakonam is directed to dispose of M.C.No.21 of 2018 within the reasonable period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No
Index: Yes/No
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08.01.2024

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.205 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.205 of 2024

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