



CRL OP(MD). No.1911 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 31.01.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD). No.1911 of 2022
and Crl.MP(MD) Nos.1403 and 1404 of 2022**

Manikandan

... Petitioner

Vs

1. Shanmathi Iswaray,
W/o. Manikandan, D.No.77/86,
Keelaratha Veethi, Srivilliputhur,
Virudhunagar District..

2. Minor.Thulasi,
D/o. Manikandan,
(Represented by Her
Mother and Natural Guardian,
1st Respondent), D.No.77/86,
Keelaratha Veethi, Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records relating to proceedings in MC.No.28 of 2021 on the file of the learned Family Judge,Srivilliputtur and Quash the same as illegal.

For Petitioner : M/s.Ramanathan AN.,
For Respondents : No appearance



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ORDER

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This petition has been filed to quash the proceedings in MC.No.28 of 2021 on the file of the learned Family Judge, Srivilliputtur.

2.The learned counsel for the petitioner that the first respondent is the wife of the petitioner and the 2nd respondent is the daughter and the wife filed maintenance case before the Judicial Magistrate, Udumalpet in M.C.No.19/2019 and for the very same relief, she has again filed a case under Section 125 Cr.P.C. before the Family Court, Srivilliputhur. He would submit that when the respondent has already exhausted her remedy before the Judicial Magistrate, Udumalpet, for the very same relief, she has filed another petition before the other court, which is not permissible. On the sole ground, the learned counsel seeks interference.

3.The learned Government Advocate (Crl. Side), on instructions, would submit that for non appearance of the respondent/wife before the Judicial Magistrate, Udumalpet, the maintenance case was dismissed for non prosecution.



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4. In view of the above, there is no impediment for the petitioner to pursue his remedy before the Family Court, Srivilliputhur. Accordingly, this petition is dismissed with liberty to the petitioner to canvass all those points before the trial court in the manner known to law and the trial court is directed to dispose of the maintenance case within a period of three months from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petitions are closed.

31.01.2024

RR

**To
The family Court,
Virudhunagar at Srivilliputhur**



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M.DHANDAPANI. J

RR

**ORDER
IN
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