



CrI.O.P.(MD)No.11607 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE AA.NAKKIRAN**

CrI.O.P.(MD)No.11607 of 2021 and
CrI.M.P(MD).No.5923 of 2021

A.Paraman

... Petitioner

Vs.

P.Pandiammal

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the impugned maintenance case in M.C.No.173 of 2019 on the file of the Family Court, Madurai and quash the same.

For Petitioner : Mr.T. Thirumurugan

For Respondent : Mr.S. Malaikani



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ORDER

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This criminal original petition has been filed to call for the records pertaining to the impugned maintenance case in M.C.No.173 of 2019 on the file of the Family Court, Madurai and quash the same.

2. The case of the prosecution is that the marriage between the petitioner and the respondent was solemnized in the year 1983 and thereafter, they were separated in the year 1987. Subsequently, the petitioner had married one Poochammal in the year 1987 and he joined as a Sanitary worker in the Madurai Corporation on 28.08.1990. There is no contact with the petitioner and the respondent for the past 35 years. Now, the respondent has filed the present M.C.No.173 of 2019 on the file of the Family Court, Madurai seeking maintenance stating that the petitioner has not take care of her and children for the past 35 years by marrying another lady. Challenging the same the petitioner herein has filed the present petition.

3.The learned counsel appearing for the petitioner submitted that



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only with an intention to disturb the petitioner's service, the respondent has filed the present petition after a period of 35 years from the date of separation. He would further submit that based on the complaint given by the respondent, the petitioner suspended from service, before the date of retirement and that he has been suffered by mental agony and he prays for allowing this petition.

4. The learned counsel appearing for the respondent submitted that due to the wedlock of the petitioner and the respondent two children were born and the respondent alone take care of her children for the past 35 years without any source of income and hence, she filed the above said M.C.No.173 of 2019 on the file of the Family Court, Madurai and hence, he prayed for dismissal of the petition.

5. Heard the learned counsel appearing on either side and perusal of the records.

6. On perusal of the records it is seen that the marriage between the petitioner and the respondent was solemnized in the year 1983 and they



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were blessed with two children. After separation in the year 1987, the petitioner has not given any amount for maintaining the respondent and their children. Since there is no time limit for filing the maintenance case, the submission made by the petitioner counsel that the respondent filed a M.C case belatedly is not acceptable one. Hence, this Court is not inclined to allow this petition at this stage.

7. For the reasons aforesaid, this Court finds no ground or scope to quash the M.C.No.173 of 2019 on the file of the Family Court, Madurai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, the connected Miscellaneous Petition is closed.

11.06.2024

Index: Yes/No
Internet: Yes/No
trp



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The Family Court, Madurai



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AA.NAKKIRAN,J

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