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CRL RC No. 1994 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 1994 of 2024

and

CRL MP No.16201 of 2024

S.Nandhakumar

Petitioner

Vs

Ranilakshmi

Respondent

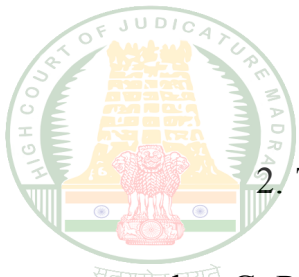
PRAYER: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS, to call for the records relating to the order dated 02.09.2024 passed in Crl.M.P.No.1242/2024 in M.C.No.05/2020 on the file of Judicial Magistrate at Mettupalayam and set aside the same.

For Petitioner: Mr.M.Loganathan

For Respondent: Mr.I.Periaswamy

ORDER

This Criminal Revision Petition has been filed by the petitioner/husband to set aside the order dated 02.09.2024 passed in Crl.M.P.No.1242/2024 in M.C.No.05/2020 on the file of Judicial Magistrate at Mettupalayam.



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2. The respondent/wife had already filed a petition under Section 125 of the Cr.P.C., against the petitioner/husband, in M.C.No.5 of 2020 on the file of Judicial Magistrate at Mettupalayam, seeking maintenance, in which, ex parte order was passed on 18.08.2021. Subsequently, the petitioner filed a petition in Crl.M.P.No.1242 of 2024, seeking to condone the delay of 1013 days in filing the petition to set aside the ex-parte order dated 18.08.2021 passed in M.C.No.5 of 2020. But, the learned Magistrate dismissed C.M.P.No.1242 of 2024 vide impugned order dated 02.09.2024. Aggrieved by the same, the petitioner has filed this criminal revision petition.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

4. When the matter came up for admission on 20.11.2024, this Court passed the following order:

*Issue notice to the respondent returnable by
18.12.2024. Private notice is also permitted.*



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ii. There shall be an order of interim stay of the impugned order dated 02.09.2024 in M.C.No.5 of 2020 passed by the Judicial Magistrate, Mettupalayam on the condition that the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakh only) on or before 17.12.2024 to the respondent, failing which the interim stay shall stand vacated automatically.

Post the matter on 18.12.2024.

It is not known as to whether the said order dated 20.11.2024 has been complied with. However, this Court vide order dated 08.04.2025, directed the petitioner to deposit a sum of Rs.5,50,000/- (50% of arrears of maintenance) to the credit of M.C.No.05 of 2020 before the Judicial Magistrate at Mettupalayam.

5. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the abovesaid order of this Court has been complied with. A copy of the proof of deposit has also been produced before this Court.



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6. In view of the same, both the impugned order dated 02.09.2024 passed in CrI.M.P.No.1242/2024 in M.C.No.05/2020 and the ex-parte order dated 18.08.2021 passed in M.C.No.5 of 2020 on the file of Judicial Magistrate at Mettupalayam are set aside. The delay is condoned and CrI.M.P.No.1242 of 2024 in M.C.No.5 of 2020 is allowed. The maintenance case in M.C.No.5 of 2020 on the file of the Judicial Magistrate, Mettupalayam is hereby restored. The learned Judicial Magistrate is directed to proceed with the maintenance case in M.C.No.05 of 2020 and dispose of the same on merits and in accordance with law, preferably within a period of two months from the date of receipt of a copy of this order. It is needless to point out that both the parties shall extend their fullest co-operation for the early disposal of the said maintenance case.

7. With the abovesaid direction, this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

29-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
The Judicial Magistrate at Mettupalayam.



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P.VELMURUGAN J

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