



Crl.O.P.No.613 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.613 of 2025
and Crl.M.P.No.235 of 2025

J.Sunder Pandian

... Petitioner

Vs.

J.Jenitha Blessy

... Respondent

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 28.05.2024 in Crl.M.P.No.4422 of 2023 in M.C.No.22 of 2021 on the file of the Judicial Magistrate, Katpadi, in the interest of justice and equity.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.Sathish Kumar

ORDER

This petition has been filed challenging the order dated 28.05.2024 passed by the learned Judicial Magistrate, Katpadi, in Crl.M.P.No.4422 of 2023 in M.C.No.22 of 2021, thereby dismissing the petition filed by the petitioner under Section 91 of Cr.P.C.



Crl.O.P.No.613 of 2025

2. The petitioner is the husband and the respondent is the wife.

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The petitioner is the respondent in the maintenance case filed by the respondent in M.C.No.2 of 2021. While pending adjudication, the petitioner filed petition under Section 91 of Cr.P.C., asking the respondent to produce her educational certificates viz., 10th, 12th, Bachelor degree, Master degree, Ph.D., and also identity card issued by the respective universities. The trial Court dismissed the said petition on the ground that the documents are not necessary. Aggrieved by the same, the petitioner filed the present petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. It is the case for maintenance. The educational certificate are no way connected to the present case. If the petitioner wants to prove that the respondent is now working and earning, the petitioner ought to have examined the employer to prove her employment. Even assuming that the respondent is earning, the production of educational certificate doesn't mean that she is earning. Therefore, trial Court rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed



Crl.O.P.No.613 of 2025

by this Court. However, considering the facts and circumstances, the

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learned Judicial Magistrate, Katpadi, is directed to dispose the case in M.C.No.2 of 2021 within a period of three months from the date of receipt of a copy of this Order.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

21.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Judicial Magistrate,
Katpadi



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Crl.O.P.No.613 of 2025

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.613 of 2025
and Crl.M.P.No.235 of 2025

21.02.2025