



Crl.O.P.(MD)No.5604 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :26.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.5604 of 2025

and Crl.M.P.(MD) No.4080 of 2025

R. Seldan Gnanaraj

... Petitioner

Vs.

1. Catherina Swarna Deepa

2. Minor Kelvin Kespar

(R2- Represented by His Mother R1-Catherina Swarna Deepa – Natural Guardian)

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in M.C.No.2 of 2025 dated 30.12.2024 on the file of the Family Court, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.A.Rajaram

ORDER

This petition has been filed by the petitioner to quash the M.C.No.2 of 2025 dated 30.12.2024 on the file of the Family Court, Madurai



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2. According to the petitioner, he received a summon from the Family Court, Madurai in connection with M.C.No.2 of 2025. In fact, the petitioner has already filed an I.D.O.P.No.47 of 2014 against his wife for restitution of conjugal rights and the same was allowed. Thereafter, the wife of the petitioner has not ready to live with the petitioner. Again he filed a petition in I.D.O.P.No.37 of 2017 for divorce. In that petition, the wife of the petitioner, namely, the 1st respondent has filed a petition in I.A.No.1 of seeking maintenance and the Trial Court also passed an order 20.06.2024 to award maintenance as Rs.10,000/- every month with travel allowances Rs. 1000/- for every hearing. The petitioner has also paid a sum of Rs.1,10,500/-. In the meanwhile, the 1st respondent has filed a petition before the Family Court, Madurai in M.C.No.2 of 2025 for the same relief seeking maintenance of Rs.25,000/- per month. Therefore, the present petition is against law and the same is liable to be quashed.

3. Considering the prayer of the petitioner, this Court without even issuing notice to the respondents inclined to pass orders.

4. Since the case is pending before the Family Court, Madurai for maintenance in M.C.No.2 of 2025, it is for the petitioner to approach the same Court and take defence by filing appropriate counter along with



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records, and thereby, the Trial Court can consider and pass appropriate order. Therefore, at this stage, this Court cannot entertain this petition and the petition has no merits and deserves to be dismissed. However, the Trial Court considering the nature of petition may dispose the case as early as possible without giving any long adjournments. In view of the same, this criminal original petition is dismissed. Consequently, connected criminal miscellaneous petition is closed.

26.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.

Mac

To

1. The Family Court, Madurai

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