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CrI.O.P.No.4289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03.03.2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**CRL OP No. 4289 of 2023  
and  
CRL MP No. 2705 and 2707 of 2023**

Vadivel Murugan  
S/o.Arumugam,  
No.48, Perumal Street,  
Behind Sri Valli Kalyana Mandapam,  
Periya Kalapet, Puducherry - 605 014.

..Petitioner

Vs

Amutha  
D/o.Durairaj,  
No.2-B, First Main Road,  
Cauvery Nagar, Reddiarpalayam,  
Puducherry - 605 010.

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure Code, to call for the records for the entire records in M.C.No. 35 of 2022 pending on the file of the Family Judge, Puducherry and quash the same.

For Petitioner: M/s M.Govindaraju

For Respondent: No appearance



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## **ORDER**

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This Criminal Original Petition has been filed to quash the proceedings in M.C.No.35 of 2022 on the file of the Family Judge, Puducherry.

2. The petitioner is the husband of the respondent. They got married on 03.11.1997. Due to misunderstanding between them, they got separated and living separately. While being so, both of them decided to dissolve their marriage. Accordingly, they filed a divorce petition in MOP No.142 of 2016 before the Family Court, Puducherry on the ground of mutual consent under Section 13-B(1) of the Hindu Marriage Act, 1955. In the said divorce petition the respondent filed a proof affidavit stating that she had received all her Sreedhana articles and properties including all her gold ornaments from the petitioner herein. She further submits that she had no other claim made in any manner as against the petitioner herein. Hence, both the parties prayed for grant of divorce on the ground of mutual consent.

3. On the basis of the evidence adduced, the Trial Court, by Judgment and Decree dated 18.10.2016, allowed the divorce petition and thereby dissolved the marriage solemnized between the petitioner and the



respondent dated 03.11.1997 on the ground of mutual consent. Thereafter, the respondent filed a petition seeking maintenance in M.C.No.35 of 2022 on the file of the Family Court, Puducherry. It is relevant to extract the provision under Section 125(4) of Code of Criminal Procedure, which reads as follows :

**125. Order for maintenance of wives, children and parents :**

*“(4) No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her, husband, or if they are living separately by mutual consent.”*

4. In the case on hand, the claim of the respondent seeking maintenance is clearly barred under Section 125(4) of the Code of Criminal Procedure, since the petitioner and the respondent got separated and obtained decree of divorce by mutual consent under Section 13-B(1) of the Hindu Marriage Act, 1955. Even according to the respondent, she received all her articles and sworn in her affidavit that she had no further claims whatsoever against the petitioner. Therefore, the present maintenance petition is nothing but a clear abuse of process of law. Hence, the proceedings initiated as against the petitioner cannot be sustained and are liable to be quashed.



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5. Accordingly, the proceedings in M.C.No.35 of 2022 on the file of the Family Court, Puducherry, are hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

**03.03.2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
LPP

To  
The Family Judge,  
Puducherry.



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**G.K.ILANTHIRAIYAN J.**

**LPP**

**CRL OP No. 4289 of 2023**

**03.03.2026**