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CrI.O.P.No.12799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2026

CORAM:

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

CrI.O.P.No.12799 of 2023
and CrI.M.P.No.7798 of 2023

Dr.Manohar
S/o. Late Veeraiah,
No.6/30, Annasamy Street,
Choolaimedu,
Chennai – 600 094.

..Petitioner(s)

Vs

M.Jayalakshmi,
W/o.T.Sivakumar,
No.33, Mangudi Puliyanthoppu Street,
Naduvakarai,
Kumbakonam,
Tanjore.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the case in M.C.No.266 of 2020 pending on the file of the VI Additional Family Judge, Chennai and quash the same.

For Petitioner(s): Mr.V.Jayachandran

For Respondent(s): Mr.P.Gunaraj



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ORDER

This Criminal Original Petition has been filed to quash the proceedings filed by the respondent in M.C.No.266 of 2020 pending on the file of the learned VI Additional Family Judge, Chennai, thereby seeking maintenance from the petitioner.

2. The respondent filed petition seeking maintenance under Section 125 of Cr.P.C., alleging that the marriage between the petitioner and the respondent was solemnized according to Hindu marriage rites and customs on 23.03.2019 at Murugan Temple, Vadapalani, Chennai, in the presence of office colleague of the petitioner. The respondent had taken care off the petitioner with utmost love, care and affection and had never failed in her responsibility to maintain the respondent as a dutiful wife. Even then the petitioner left the respondent in lurch and as such the petitioner is bound to maintain the respondent. Therefore, the respondent filed petition seeking monthly maintenance of Rs.50,000/- from the petitioner. While pending the trial, the petitioner filed this petition to quash the entire proceedings initiated by the respondent.

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



4. The only ground raised by the learned counsel appearing for the petitioner is that the respondent is not at all wife of the petitioner and she got married with another person by named Sivakumar. In order to claim maintenance under Section 125 of Cr.P.C., she must be wife of the petitioner. Therefore, the maintenance petition is not maintainable. He also relied upon the judgment of the Hon'ble Division Bench of this Court reported in **2021 (6) CTC 833** in the case of ***R.Kalaiselvi Vs. Joseph Baby.***, which held that even assuming that there was long and continuous cohabitation or the parties were living together will not give rise to a cause of action for filing an application for restitution of conjugal rights. The above judgment is arising out of the petition filed for restitution of conjugal rights. Therefore, the above judgment is not applicable to the case on hand.

5. Further, when the respondent filed petition seeking maintenance, she has to prove that she is the wife of the petitioner herein. Therefore, the ground raised by the petitioner can be considered only during trial by let in evidence. On these grounds, the entire proceeding initiated by the respondent cannot be quashed and the present petition is liable to be dismissed.



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6. Accordingly, the Criminal Original Petition stands dismissed.

The Trial Court viz., learned VI Additional Family Judge, Chennai, is directed to complete the trial in M.C.No.266 of 2020 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

18.03.2026

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

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To

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1. The VI Additional Family Judge,
Chennai



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G.K.ILANTHIRAIYAN, J.

rts

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