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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.4746 of 2026
and
CrI.M.P(MD)Nos.5085 & 5086 of 2026

Mamallan Karthi

...Petitioner/Petitioner

Vs

Minor Child Maseelan,
Rep. by his Mother,
A.Brilliancy,
Presently Residing At,
No.29/2447, Kavi Bharathi Nagar,
Mela Kavery, Kumbakonam Taluk,
Thanjavur District.

...Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to M.C.No.63/2025 on the file of the learned Chief Judicial Magistrate, Kumbakonam and quash the same as illegal.

For Petitioner

: M/s.M.Karuppasamy



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ORDER

The present petition has been filed seeking to quash the summon issued by the learned Chief Judicial Magistrate, Kumbakonam, in M.C.No.63 of 2025.

2. According to the learned Counsel appearing for the petitioner, he is regularly paying monthly maintenance to his minor son at the rate of Rs.15,000/- per month. However, suppressing the same, the present application seeking maintenance has been filed and therefore, he wants to quash the summons issued by the Court.

3. In case if the petitioner is able to establish that he is already paying Rs.15,000/-, it is for the concerned trial Court to take into consideration such payments while deciding the quantum of maintenance to be paid to the minor child of the petitioner. This is not a ground to quash the summons issued by the trial Court.

4. Considering the fact that the petitioner is residing in Chennai and M.C. has been filed in Kumbakonam, the personal appearance of the petitioner shall be dispensed with unless it is directed by the Court specifically.



5. With the above said observations, this Criminal Original petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

04.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The learned Chief Judicial Magistrate,
Kumbakonam.



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R.VIJAYAKUMAR, J.

RJR

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