

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22063 of 2015
and
M.P.Nos.1 & 2 of 2015

Jaganathan

... Petitioner

Vs.

1.Dhanalakshmi
2.Sandhiya

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records to the case in M.C.No.4 of 2014 on
the file of the Learned J.M.II, Kancheepuram and quash the same.

For Petitioner : Mr.Gajalakshmi Rajendran

O R D E R

This criminal original petition has been filed to call for the
records to the case in M.C.No.4 of 2014 on the file of the Learned
J.M.II, Kancheepuram and quash the same.

2. Heard the learned counsel for the petitioner.

3.It is seen that Dhanalakshmi, who is the first respondent
herein, has filed proceedings under Section 125 Cr.P.C in M.C.No.4
of 2014 before the learned Judicial Magistrate No.II, Kancheepuram
against this petitioner/husband and also against one Sandhiya.

4.It is well settled law that the proceedings under Section
125 Cr.P.C can be filed by the wife as against her husband only and
not against any other woman, who may be associated with her
husband.

5.The learned counsel for the petitioner submits that the
presence of the petitioner may be dispensed with before the trial
Court. Such an order cannot be passed as that will frustrate the
very purpose of Section 125 Cr.P.C However, on certain dates when

the petitioner is not able to appear before the learned Judicial Magistrate, the petitioner may file an application to dispense with his presence undertaking to proceed with the trial in his absence also. On such an undertaking, the learned Magistrate shall consider their request liberally.

6. Under such circumstances, on this ground alone, the entire proceedings cannot be quashed. Therefore, this Court directs the learned Judicial Magistrate No.II, Kancheepuram, to ignore the second respondent Sandhiya and proceed with the enquiry in M.C.No.4 of 2014 expeditiously.

In view of the above, the criminal original petition is closed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

The Learned Judicial Magistrate II,
Kancheepuram

CRL.OP.No.22063 of 2015
and
M.P.Nos.1 & 2 of 2015

VSN(CO)
CA(18/09/2015)

सत्यमेव जयते

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