



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16092 of 2015

and

M.P.(MD)No.1 of 2015

and

Crl.M.P.(MD)No.9252 of 2017

P.Muthuswamy

... Petitioner

Vs.

Thankabai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order of the Sessions Court, Kanyakumari Division at Nagercoil in Crl.R.C.No.4 of 2014 dated 16.07.2015 confirming the order in M.C.No.23 of 2010 on the file of the Judicial Magistrate No.I, Kuzhithurai dated 10.01.2014 and set aside the same.

For Petitioners : Mr.C.K.M.Appaji

For Respondent : Mr.T.Selvakumaran

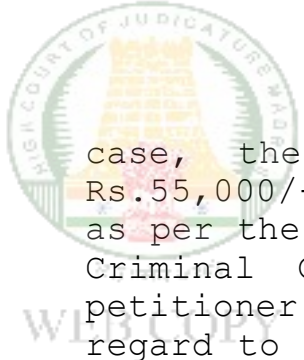
O R D E R

The Criminal Original Petition has been filed under Section 482 Cr.P.C to set aside the the order of the Sessions Court, Kanyakumari Division at Nagercoil in Crl.R.C.No.4 of 2014 dated 16.07.2015 confirming the order in M.C.No.23 of 2010 on the file of the Judicial Magistrate No.I, Kuzhithurai dated 10.01.2014.

2.The learned counsel for the petitioner would submit that without going into the merits of the case, the order of the lower Court as well as the lower Appellate Court may be confirmed. However, the learned counsel for the petitioner seeks permission of this Court to challenge the marriage solemnized between the petitioner and the respondent, without being influenced by any of the observation made in the orders of the Courts below.

<https://hcservices.ecourts.gov.in/hcservices/>

3.In view of the submission made by the learned counsel for the petitioner without expressing any opinion on the merits of



case, the respondent is permitted to withdraw a sum of Rs.55,000/- (Rupees Fifty Five Thousand only) which was deposited as per the direction of this Court on 20.08.2015. Accordingly, the Criminal Original Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law with regard to the challenge of marriage in between the petitioner and the respondent. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge,
Nagercoil.
2. The Judicial Magistrate No.I,
Kuzhithurai, Kanyakumari.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Mrn/Rmk

AE/MR KKR/SAR4/28.11.2017/2P/4C

Crl.O.P. (MD) No.16092 of 2015
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