

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20620 of 2018
and CRL.M.P.Nos.11077 & 11078 of 2018

N.Subramanian

.. Petitioner

Vs

Renuga

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records of the case pending trial in D.V.C.No.14 of 2017 on the file of Judicial Magistrate No.I at Pondicherry and quash the same as against the petitioners.

For Petitioner : Mr.J.Kingsly Solomon

O R D E R

The petitioner got married to the respondent on 12.05.2013 and they have one child through the wedlock. The spouses got estranged resulting in the wife filing DVC.No.14 of 2017 before the Judicial Magistrate No.I, Puducherry, claiming various reliefs under the Domestic Violence Act against the husband. Challenging which, the husband/petitioner is before this Court.

2.Heard Mr.Kingsly Solomon, learned counsel for the petitioner who submitted that the only allegation that has been made in the petition is that the petitioner is having an affair with another lady.

3.Be that as it may, it is seen that the husband has filed his counter in the petition and enquiry is pending. Since disputed question of fact cannot be gone into in a quash petition, this petition is closed with liberty to the petitioner to raise all the points before the trial Court.

4.Learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with.

5. Accepting the submission, the petitioner is directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for Rs.5,000/- with two sureties. The petitioner shall engage an Advocate on special vakalat and give an undertaking that his counsel will cross-examine the witnesses, on the day they are examined in-chief and will not adopt any dilatory tactics. For the hearings, if he files an application under Section 317 of Cr.P.C., the same shall be liberally construed. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist for his presence. The trial Court is directed to complete the proceedings in DVC.No.14 of 2017 within six months from the date of receipt of a copy of this order, provided there is no any other legal impediment. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gya

To

Judicial Magistrate Court No.I,
Pondicherry.

+lcc to Mr.Kingsly Solomon, Advocate, S.R.No. 59249

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CRL.OP.No.20620 of 2018

GN(06/09/2018)

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