

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.34356 of 2019

and

Crl.M.P.Nos.19007 and 19008 of 2019

Sivakumar

...Petitioner

-Vs-

Sumathi

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records in DV.OP.No.03 of 2017 pending on the file of the District Munsif-Cum-Judicial Magistrate, Vedaranyam.

For Petitioner: Mr.V.Ramamurthy

ORDER

This petition has been filed to call for the entire records in DV.OP.No.03 of 2017 pending on the file of the District Munsif-Cum-Judicial Magistrate, Vedaranyam and quash the same.

2. The learned counsel for the petitioner has submitted that in the application given by the respondent before the Social Welfare Officer, nothing has been stated that any Domestic Violence has been committed by the petitioner. He further submitted that the respondent has filed proof affidavit for chief examination.

3. Taking into consideration of the fact that already enquiry has commenced and the aggrieved person/respondent herein has already filed a proof affidavit with regard to her chief examination, this Court is not inclined to entertain this petition. It is open to the petitioner to raise all the defence available under law before the trial Court.

4. Considering the submissions made by the learned counsel for the petitioner that the petitioner is now working in merchant ship, his personal appearance before the trial Court is dispensed with, on condition that he should appear before the trial Court as and when required by the trial Court.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CO)

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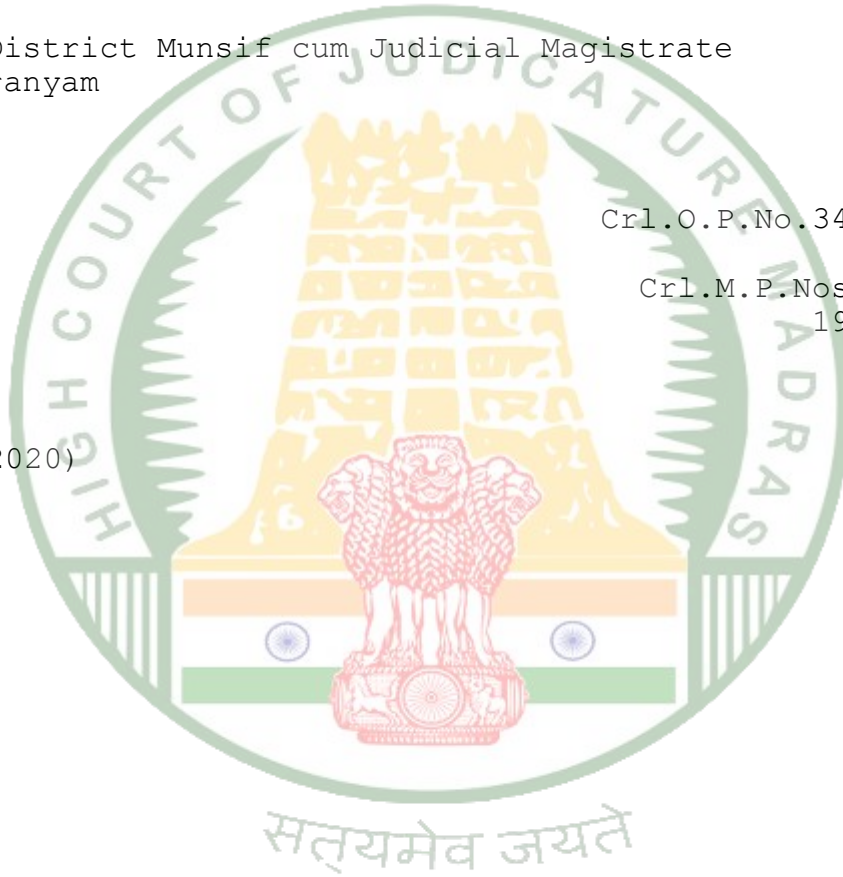
Sub-Assistant Registrar

To

The District Munsif cum Judicial Magistrate
Vedaranyam

Crl.O.P.No.34356 of 2019
and
Crl.M.P.Nos.19007 and
19008 of 2019

SSV(CO)
SP(17/02/2020)



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