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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P (MD) No. 14551 of 2019

and

CrI.M.P.(MD) No.8813 of 2019

V. Saravanan

... Petitioner/Petitioner/Respondent

Vs.

1. Hema

2. Minor Sankar Ganesh

(second respondent rep. by first respondent/mother)... Respondents/
Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the order dated 22.08.2019 made in CrI.M.P. No. 2275 of 2019 in M.C. No.06 of 2017, on the file of the learned District Munsif Cum Judicial Magistrate, Peraiyur and set aside the same.

For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mrs.P. Malini

O R D E R

This Criminal Original Petition has been filed to set aside the order, dated 22.08.2019 made in CrI.M.P. No. 2275 of 2019 in M.C. No.06 of 2017, on the file of the learned District Munsif Cum Judicial Magistrate, Peraiyur.

2. The learned counsel appearing for the petitioner submitted that the petitioner filed a petition under Section 112 of the Indian Evidence Act, seeking DNA test with the second respondent on the ground that he suspected the first respondent about her fertility. It is also averred that, even from the date of marriage the first respondent never allowed the petitioner with her.

3. On perusal of the records that the petitioner filed a counter in M.C. No.6 of 2017 in which categorically admitted that the child born through him and thereafter, a application has been filed for asking DNA test. Therefore, the trial Judge rightly dismissed the application.

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

4. Accordingly, this Court finds no merits in the Criminal Original Petition and also no infirmity and illegality in the order



passed by the Court below. Hence, the instant the Criminal Original Petition is dismissed. However, the trial Court is directed to complete the proceedings in M.C No.06 of 2017, within a period of Six Months, from the date of receipt of a copy of the order. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Munsif Cum Judicial Magistrate,
Peraliyur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C. SENTHIL MURUGAN, Advocate (SR-97697[F] dated 12/11/2019)

+1 CC to M/s.P. MALINI, Advocate (SR-97935[F] dated 13/11/2019)

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