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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.01.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.8933 of 2016 and
Crl.M.P.(MD)No. 4404 of 2016

Srinivasan

... Petitioner/Respondent

Vs.

1. Meenakshi @ Meena

2. Minor Sabarish
(Represented by his mother
and natural guardian
the first petitioner)

... Respondents/Petitioners

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in M.C.No.1 of 2016 on the file of the learned Judicial Magistrate No.III, Thanjavur, Thanjavur District and quash the proceedings on the basis of the petition filed by the respondents.

For Petitioners	: Mr.A.Thiruvadi Kumar
For R-1	: Mr.K.Mahendran

O R D E R

The petitioner is the husband of the first respondent herein. The first respondent has filed M.C.No.1 of 2016 before the Judicial Magistrate No.III, Thanjavur, under Section 125 of Cr.P.C. To quash the same, this criminal original petition has been filed.

2. I am of the view that the contentions raised by the petitioner herein will have to be necessarily agitated only before the Court below. Therefore, leaving open all the petitioner's contentions and defences, the criminal original petition stands dismissed. However, considering the overall facts and circumstances of this case, the personal appearance of the petitioner before the Court below is dispensed with.

3. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the



petitioner can be represented through his counsel. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.III,
Thanjavur, Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.MAHENDRAN, Advocate (SR-573[F] dated 07/01/2020)

Crl.O.P.(MD)No.8933 of 2016
03.01.2020

MK (18.02.2020) 2P 4C