



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

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THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.R.C. (MD) .Nos.203, 204, 228 and 229 of 2017
and

Crl.M.P. (MD) Nos.1789, 1790, 1962 and 1963 of 2017

1.M.Meenupriya

2.Minor Pranav

(Minor petitioner represented
through his mother and natural
Guardian/1st petitioner)

: Petitioners (in all petitions)

Vs.

C.R.Ranganath Arun

: Respondent (in all petitions)

(Rep Through his Power Agent and Father S.Chidambararaj)

PRAYER in Crl.R.C(MD)Nos.203 and 204 of 2017: Criminal Revision Petitions have been filed under Section 397 r/w 401 of Cr.P.C, to call for the records in Cr.M.P.Nos.3788 and 3789 of 2016, in D.V.C.No.2 of 2016, dated 09.12.2016 on the file of the District Munsif cum Judicial Magistrate Court, Bodinayakkanur respectively and set aside the order dated 09.12.2016.

PRAYER in Crl.R.C(MD)Nos.228 and 229 of 2017: Criminal Revision Petitions have been filed under Section 397 r/w 401 of Cr.P.C, to call for the records in Crl.M.P.Nos.3790 and 3791 of 2016, in M.C.No.35 of 2015, dated 09.12.2016 on the file of the District Munsif cum Judicial Magistrate Court, Bodinayakkanur respectively and set aside the order dated 09.12.2016.

(in all petitions)

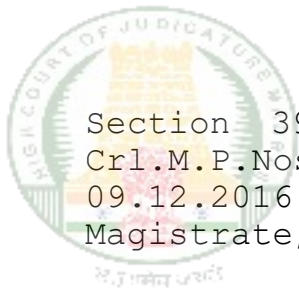
For Petitioners : Mr.D.Srinivasa Ragavan

For Respondent : Mr.T.Antony Arul Raj

COMMON ORDER

CRL.R.C. (MD) .Nos.203 and 204 of 2017 have been filed under Section 397 r/w 401 Cr.P.C, challenging the orders passed in Cr.M.P.Nos.3788 and 3789 of 2016, in D.V.C.No.2 of 2016, dated 09.12.2016 on the file of the District Munsif Cum Judicial Magistrate, Bodinayakkanur.

2. CRL.R.C. (MD) .Nos.228 and 229 of 2017 have been filed under
<https://hcservices.ecourts.gov.in/hcservices/>



Section 397 r/w 401 Cr.P.C, challenging the orders passed in Crl.M.P.Nos.3790 and 3791 of 2016, in M.C.No.35 of 2015, dated 09.12.2016 on the file of the District Munsif Cum Judicial Magistrate, Bodinayakkanur.

3.It is not in dispute that the marriage between the first petitioner and the respondent was solemnized on 12.09.2010 and that the second petitioner was born to them on 23.04.2014. Since there arose misunderstanding and the dispute between the first petitioner and the respondent, the first petitioner has filed a case in M.C.No.35 of 2015 on the file of the District Munsif cum Judicial Magistrate, Bodinayakkanur, claiming maintenance for herself and for her minor son and also lodged a complaint under the provisions of the Protection of Women from Domestic Violence Act and the same are pending in D.V.C.No.2 of 2016 on the file of the District Munsif cum Judicial Magistrate, Bodinayakkanur.

4.It is further evident that since the respondent has not chosen to file the counter statement in both the maintenance case as well as in the D.V.C case, he was set ex-parte. The respondent by claiming to be in America, due to his avocation, has filed two applications; one to recognize his father S.Chidampararaj as his power of attorney to conduct the proceedings on his behalf and the other application for setting aside the ex-parte order passed against him in both the proceedings in M.C.No.35 of 2015 and in D.V.No.2 of 2016. The learned Judicial Magistrate, after conducting enquiry, has allowed all the applications vide separate orders dated 09.12.2016. Aggrieved over the said orders, the revision petitioners have preferred the above revisions, now under consideration.

5.When the matters are taken up for hearing today, the learned counsel for the revision petitioners has represented that during the pendency of the above revisions, the respondent/husband has come to India and participated in the proceedings before the learned District Munsif cum Judicial Magistrate, Bodinayakkanur that the respondent has already adduced evidence and that the case is now stands posted for 'judgment'.

6.The learned counsel for the respondent has also endorsed the version of the learned counsel for the petitioners. Since the respondent has himself appeared and participated in the proceedings, granting of permission to appear through his power of attorney has become infructuous. Similarly, since both the parties have taken part in the proceedings before the trial Court, the revision petitions challenging the orders, setting aside the ex-parte orders passed against the respondent/husband have also become infructuous. As rightly contended by both the counsel on record, nothing survives for further adjudication in these petitions.



7. In the result, the above Criminal Revision Cases stand dismissed as infructuous. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Munsif cum Judicial Magistrate,
Bodinayakanur
2. The Section Officer, (Records)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

CRL.R.C. (MD) .Nos.203, 204, 228 and 229 of 2017
and
Crl.M.P. (MD) Nos.1789, 1790, 1962 and 1963 of 2017
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SSS (CO)

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