



WEB COPY

Crl.R.C(MD)No.214 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.214 2022

and

Crl.M.P(MD).No.3027 of 2022

Manikandan

... Petitioner/Petitioner

Vs.

1.Jeyanthi

2.Minor Deeparaksha

... Respondents/Respondents

represented by her natural Guardian and mother Jeyanthi

Prayer: This Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the records in M.C.No.34 of 2018 pending on the file of the Family Court, Karur and set aside the order made in Crl.M.P.No.15 of 2021 in M.C.No.34 of 2018 dated 07.10.2021.

For Petitioner

: Mr.V.Nagarajan

For Respondents

: Mr.K.Sivabalan

O R D E R

This Criminal Revision Case has been filed to call for the records in M.C.No.34 of 2018 pending on the file of the Family Court, Karur and set aside the order made in Crl.M.P.No.15 of 2021 in M.C.No.34 of 2018 dated 07.10.2021.

2. The petitioner and the first respondent are the husband and wife. Due to misunderstanding between them, the first respondent leave from the matrimonial home and living separately and thereafter she has given a false complaint against this petitioner and his family members before the All Women Police Station, Karur, and the same was registered in Crime No.2 of 2018. Therefore, the petitioner and his family members filed an anticipatory bail before this Court and this Court had granted anticipatory bail to them.

3. The first respondent also filed a complaint before the learned Judicial Magistrate No.1, Karur in D.V.P.No.18 of 2018 and also filed case under Section 125 of Cr.P.C before the Family Court, Karur claiming maintenance of Rs.30,000/- (Rupees Thirty Thousand only) in M.C.No.35 of 2018. At the time of examination, the petitioner was cross examined by the respondent's counsel on 17.09.2021. Immediately, the petitioner has filed Crl.M.P.No.15 of 2021 in M.C.No.34 of 2018 to reopen the case to examine the other witnesses in respect of his contention and also to prove his income,

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



which was dismissed on the ground that the petitioner failed to establish the case for examination of VAO and owner of Barber shop.

4.On perusal of records, it shows that the petitioner was examined as R.W.1 on 17.09.2021 and his evidence was closed on the same day and an opportunity was not given to the petitioner to examine the other witnesses.

5.Considering the above, the order dated 07.10.2021 made in Crl.M.P.No.15 of 2021 by the Family Court, Karur, is set aside. The Court below is directed to fix a date for examination on the petitioner side and complete the same within a period of six weeks from the the date of receipt of copy of this order.

6. In the result, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:

The Presiding Officer,
Family Court, Karur.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-15530[F] dated 31/03/2022)
Crl.R.C.(MD)No.214 of 2022
30.03.2022

km(CO)
GC(10.05.2022) 2P 5C