



Crl.O.P.(MD)No.5954 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5854 of 2023

and

Crl.M.P(MD).Nos.5124 and 5125 of 2023

Gunasekaran

... Petitioner

Vs.

1.Vijayalakshmi

2.Kanishka Sri

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the case in M.C.No.21 of 2022 pending on the file of the learned Chief Judicial Magistrate, Ramanathapuram and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

ORDER

This petition has been filed to call for the entire records pertaining to the case in M.C.No.21 of 2022 pending on the file of the learned Chief Judicial Magistrate, Ramanathapuram and quash the same as against the petitioner.



Crl.O.P.(MD)No.5954 of 2023

2. The learned counsel for the petitioner submitted that the trial Court insisting upon the petitioner to be present before that Court on each and every hearing date without fail. The learned counsel for the petitioner submitted that he is working at Andaman and therefore, he was not in a position to appear before the trial Court on each and every hearing. He further submitted that he is ready to retake his wife to the matrimonial home.

3. Heard the learned counsel for the petitioner and also perused the materials available on record.

4. This Court feels that such quashment may not be proper. The petitioner can raise before the concerned trial Court by setting all the facts and the circumstances of the case.

5. This Court cannot decide, whether the petitioner got merit or not. No positive direction can be passed. Accordingly, this Criminal Original Petition is dismissed. The trial Court may consider dispensing the personal appearance of the petitioner, so that he can appear before the trial Court on that date, which when his presence is required for recording his evidence. Consequently, the connected miscellaneous petitions are closed.

30.03.2023

Index : Yes/No

Internet: Yes/No

ttt

<https://www.mhc.tn.gov.in/judis>



CrI.O.P.(MD)No.5954 of 2023

To
WEB COPY

learned Chief Judicial Magistrate, Ramanathapuram



WEB COPY



CrI.O.P.(MD)No.5954 of 2023

G.ILANGO VAN, J.,

tta

CrI.O.P.(MD)No.5854 of 2023
and
CrI.M.P(MD).Nos.5124 and 5125 of 2023

30.03.2023