



Crl.O.P.(MD)No.10544 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10544 of 2022

and

Crl.M.P.(MD).No.6586 of 2022

Ganeshkumar

... Petitioner/Petitioner/
Respondent

Vs.

1.Muthumai

2.Minor G.M.Kiruthik
(Minor 2nd respondent represented
through his mother/Natural Guardian
1st respondent)

...Respondents/ Respondents/
Petitioners

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order dated 23.04.2022 passed by the Family Court, Madurai, in Cr.M.P.No. 128 of 2022 in M.C.No.135 of 2014 and set aside the same and direct the Family Court, Madurai, to pass order afresh in Cr.M.P.No.128 of 2022.

For Petitioner : Mr.P.T.Ramesh Raja

For R1 & R2 : Mr.G.Vidhya Maheshwaran



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the order dated 23.04.2022 passed by the Family Court, Madurai, in Cr.M.P.No.128 of 2022 in M.C.No.135 of 2014 and set aside the same and direct the Family Court, Madurai, to pass order afresh in Cr.M.P.No.128 of 2022.

2. Challenging the order passed by the trial Court in Cr.M.P. No.128 of 2022 in M.C.No.135 of 2014, dated 23.04.2022, this petition has been filed. The above said petition has been filed by the petitioner against the respondent before the trial Court for recalling P.W.1 for further cross examination. With reference to some sort of agreement that was entered into the parties, that was dismissed by the trial Court, stating that those attempted to drag on the proceedings and stated that the cross examination was made in 2015 and after seven years, this petition has been filed.



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3. Now the grievance of the petitioner is that after the Maintenance Case proceedings started, there was compromise entered between the parties on 11.10.2019, regarding the payment of money. But the money was not paid on agreement, so that, the wife shall not prosecute the other matters. But after receiving the above said money, the wife started to prosecute the above said connected matter. On that ground, the petitioner wants to recall P.W.1 and cross examine him. The petitioner requested the Court to expedite the trial process and complete the same within stipulated time, since the matter is of the year 2014.

4. In view of the above said grievances expressed by the learned counsel for the petitioner, one more opportunity is given to the petitioner on payment of cost of Rs.5,000/- shall be paid to wife/1st respondent. Let the cost be paid within a week either directly or to be deposited in the trial Court. On payment, the trial Court shall fix the date for recall P.W.1 for further cross examination. The petitioner must cross examine the P.W.1 on that date, without fail. If any failure is noticed on the part of the petitioner, his further right will be forfeited forever and the trial Court is further directed to complete the trial process within two months from the



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date of receipt of copy of this order.

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5. With the above said direction, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The Family Court,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.10544 of 2022

Dated: 05.04.2023