



CrI.O.P.(MD)No.11739 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.11739 of 2022

and

CrI.M.P.(MD)No.7401 of 2022

Muthukumar

... Petitioner

Vs.

1.Kartheeswari

2.Minor Parnav Rithish

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to withdraw Cr.M.P.No. 4083 of 2019 in M.C.No.16 of 2014 on the file of the learned Judicial Magistrate, Paramakudi and transfer the same to Karaikudi Judicial Magistrate, Sivagangai District.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.J.Barathan

ORDER

The Criminal Original Petition has been filed to withdraw Cr.M.P.No. 4083 of 2019 in M.C.No.16 of 2014 on the file of the learned Judicial



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Magistrate, Paramakudi and transfer the same to Karaikudi Judicial Magistrate, Sivagangai District.

2.The case of the petitioner is that the respondents are the wife and son of the petitioner and they filed a complaint under Section 125 of Cr.P.C., before the learned Judicial Magistrate, Paramakudi, in M.C.No.16 of 2014 and the learned Magistrate has allowed the same on 28.03.2019 and directed the petitioner to pay a sum of Rs.3000/- to the first respondent and Rs.6,000/- to the second respondent as monthly maintenance. Subsequently, for execution of warrant in M.C.No.16 of 2014, the respondents filed Cr.M.P.No.4083 of 2019. Hence, the petitioner has filed the present petition before this Court.

3.The learned counsel for the petitioner would submit that the first respondent is a practicing Advocate and practicing in Paramakudi Court and the petitioner is unable to engage the counsel to conduct the case in Cr.M.P.No. 4083 of 2019 in M.C.No.16 of 2014. He would further submit that during the pendency of this petition, M.C.No.16 of 2014 itself was disposed of on 28.03.2019. Against which, the petitioner has preferred revision before the Lower Appellate Court in CrI.R.C.No.5 of 2019 and the same was also dismissed on 05.09.2019.



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4.Considering the facts and circumstances of the case and also considering the reasons assigned by the learned counsel for the petitioner before this Court is not acceptable one and the very same counsel can appear before the trial Court for adjudicating the case and in that case, M.C.No.16 of 2014 itself was already disposed of on 28.03.2019, against which, the petitioner has preferred revision before the Lower Appellate Court in Crl.R.C.No.5 of 2019 and the same was also dismissed on 05.09.2019. Therefore, the petitioner can raise all those defences before the trial Court in Cr.M.P.No.4083 of 2019 in M.C.No.16 of 2014. Hence, the prayer sought for by the petitioner cannot be granted by this Court.

5.Accordingly, this Criminal Original Petition is dismissed. However, the learned Judicial Magistrate, Paramakudi, is directed to dispose of the case in Cr.M.P.No.4083 of 2019 in M.C.No.16 of 2014 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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M.DHANDAPANI, J.

Sji

To

- 1.The Judicial Magistrate, Paramakudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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