



C.R.P.(MD)No.2167 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2167 of 2024
and
C.M.P.(MD)No.12304 of 2024

A.Saravana Prakash

... Petitioner / Petitioner / Appellant

Vs.

B.Abinayalakshmi

... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the order dated 06.06.2024 made in Cr.M.P.No.4422 of 2022 in CrI.A.No.87 of 2021 on the file of the Principal District and Sessions Court, Virudhunagar District, Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar

ORDER

Heard the learned counsel appearing for the revision petitioner and the learned senior counsel appearing for the respondent.



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2. The marriage between the petitioner and the respondent took place on 29.08.2014 in Rajapalayam. No child was born through the wedlock. The relationship between the parties came under strain. The respondent herein filed D.V.C.No.15 of 2019 on the file of the Judicial Magistrate, Rajapalayam. DVC was disposed of on 05.05.2021. The revision petitioner was directed to pay a sum of Rs.5,00,000/- as compensation. A further sum of Rs.5,000/- per month was ordered towards maintenance. The petitioner was also directed to return 43 ½ sovereign of gold jewelry & Seedhana articles worth about Rs.2,00,000/-. Aggrieved by the said order, the petitioner filed Criminal Appeal No.87 of 2021 before the Principal District and Sessions Court, Srivilliputhur. In the said appeal, the petitioner filed CrI.M.P.Nos.4422 & 4423 of 2022. CrI.M.P.No. 4423 of 2022 was allowed.

3. It is seen that in the meanwhile, the petitioner applied for divorce. The respondent herein gave her consent for the same. Since the marriage between the parties was dissolved as per law, the respondent herein contracted a second marriage. In the criminal appeal, the petitioner herein wanted to examine the husband of the respondent and also her mother. The first appellate court took the view that this would only amount to vexing and harassing the



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respondent. When the respondent does not deny the factum of marriage, no purpose will be served by examining her current husband. CrI.M.P.No.4422 of 2022 was dismissed vide order dated 06.06.2024.

4. In my view, the impugned order is well reasoned. It does not warrant interference. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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NOTE:Issue Order Copy on 23.10.2024.

To:

The Principal District and Sessions Court,
Virudhunagar District, Srivilliputhur.



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G.R.SWAMINATHAN, J.

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