



CrI.O.P.(MD)No.12937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.08.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12937 of 2025

and

CrI.M.P.(MD)No.10171 of 2025

1. Manikandan
2. Muthaiya
3. Abirami

... Petitioners

versus

Mangayarkarasi

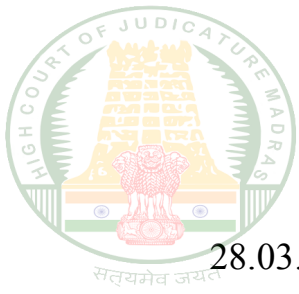
... Respondent

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in M.P.No.2 of 2025 in D.V.C.No.8 of 2023 and allow this petition on the file of the learned District Munsif cum Judicial Magistrate, Ponammaravathi, Pudukkottai District.

For Petitioners : Mr.K.Chockalingam

ORDER

The petitioners, who are respondents in D.V.C.No.8 of 2024, on the file of the learned District Munsif cum Judicial Magistrate, Ponnamaravathy, have filed this petition challenging the order dated



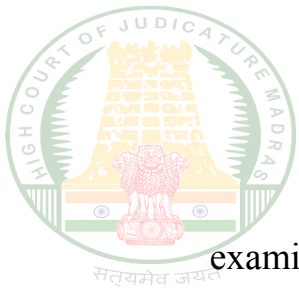
CrI.O.P.(MD)No.12937 of 2025

28.03.2025 passed in M.P.No.2 of 2025 in D.V.C.No.8 of 2023 by the trial Court.

WEB COPY

2. The petitioners are husband, father-in-law and mother-in-law of the respondent herein. The respondent herein has initiated domestic violence proceedings as against the petitioners in the year 2024. P.W.2 was examined in chief on 26.11.2024. However, the petitioners have not cross examined on 26.11.2024. Therefore, the case was adjourned to 10.12.2024 for cross examination of P.W.2. Even on that day, though the petitioners and their counsel were present in the Court, they did not cross examine P.W.2 on 10.12.2024. Therefore, the evidence of P.W.2 was closed by the trial court on 10.12.2024. Thereafter, the petitioners have filed an application in M.P.No.1 of 2025 to recall P.W.2 and the same was allowed by the trial court with costs of Rs.300/- to P.W.2 on condition that PW2 must be cross examined on the same day of his appearance and no adjournment would be provided.

3. Thereafter, the case was posted on 18.02.2025 for cross



CrI.O.P.(MD)No.12937 of 2025

examination of PW2 as per the earlier order of the court in M.P.No.1 of 2025. On 18.02.2025, though the petitioners and his counsel were present, they have not cross examined P.W.2. However, the petitioners have also paid the cost amount as directed by the trial court. Since the petitioners have not cross examined PW2, who was available for cross examination as per the order of the trial court in M.P.No.1 of 2025, the trial Court, by recording the earlier order that no adjournment would be provided for cross examination, has closed the evidence of PW2 on 18.02.2025. Thereafter, the petitioners have filed another application in M.P.No.2 of 2025 that the first petitioner had inconvenience in meeting the counsel for a discussion for the purpose of cross examination on 18.02.2025. Considering the manner in which the petitioners have dragged the proceedings by not cross examining the witness, who was available before the Court for cross examination on 26.11.2024, 10.12.2024 and also on 18.02.2025, the trial Court, in order to provide an opportunity, allowed the application with cost of Rs.5000/- to the respondent, by its order dated 28.03.2025. Challenging the same, the present petition has been filed.



CrI.O.P.(MD)No.12937 of 2025

4. The learned counsel for the petitioners submits that the cost imposed by the trial Court in M.P.No.2 of 2025 is onerous.

5. This Court is of the view that the conduct of the petitioners in evading proceedings has to be dealt with little more severely by imposing the cost of Rs.10,000/-. However, at the request of the learned counsel for the petitioners, this Court is not inclined to increase the cost amount.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

01.08.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
ogy

To

The learned District Munsif cum Judicial Magistrate,
Ponammaravathi,
Pudukkottai District.



WEB COPY



CrI.O.P.(MD)No.12937 of 2025

B.PUGALENDHI, J.

ogy

CrI.O.P.(MD)No.12937 of 2025

01.08.2025