



Crl.R.C.(MD)No.764 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C(MD)No.764 of 2025

and

Crl.M.P(MD)No.8300 of 2025

1.B.Deepika

2.Minor.D.Nanukshitha

... Petitioners

Vs.

Naveen Kumar

... Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 pf BNSS., call for the records pertaining to the impugned order passed in Crl.M.P.No.572 of 2025 in M.C. No. 5 of 2023 dated 19.06.2025 on the file of the Learned Judicial Magistrate, Palani, Dindigul District and set aside the same.

For Petitioners : Mr.M.Varun Pandian

For Respondent : Mr.Naveen Kumar
(Party-in-person)



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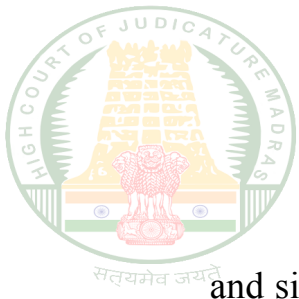
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ORDER

Challenging the order passed by the Judicial Magistrate, Palani in Crl.M.P.No.572 of 2025 in M.C.No.5 of 2023 dated 19.06.2025, this criminal revision case is filed.

2. The petitioners herein are the wife and the minor daughter of the respondent. The petitioners herein are the petitioners in Crl.M.P.No.572 of 2025 and M.C.No.5 of 2023 before the Trial Court. During the pendency of M.C.No.5 of 2023, the petitioners filed an application seeking to re-open the pensioners' side evidence which was closed in Crl.M.P.No.572 of 2025.

3. The crux of the petition seeking reopen of the petitioners' side evidence filed by the petitioners before the learned Trial Court is that the respondent is the husband of the 1st petitioner and the 1st petitioner had filed an application seeking interim alimony along with maintenance case. The same was allowed by the learned Trial Court on 17.06.2025 and she was prepared only to contest the said application on the said date



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and since she had take care of the 2nd petitioner who is a minor child and had entrusted the child with her neighbor, in a hurry out of her nervousness, she had failed to bring the necessary documents for the purpose of deposing her evidence and on that basis, she sought time for giving evidence. Thereafter, from 18.06.2025, she was prepared to give the evidence on the side of the petitioners. On that premise, she sought for reopening the petitioners' side evidence which was closed on 17.06.2025.

4. The respondent had filed a counter affidavit stating that the petitioner had been delaying the trial process by refusing to depose her evidence by commencing the petitioners' side evidence for the past two years and hence, the petition for reopening the evidence did not have any merit to be allowed. On the basis of the arguments made by the respective parties, since no documents were marked on the other side, the learned Trial Court proceeded to dismiss the said application vide the impugned order. Challenging the same, this criminal revision case is filed.



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5. The learned counsel for the petitioner submitted that an interim alimony of Rs.10,000/- has been granted by the learned Trial Court by allowing the application for interim alimony filed by the petitioners herein in Crl.M.P.No.116 of 2024, dated 17.06.2025. The petitioner's inability to commence her side witnesses was neither wanton nor willful and only due to the responsibility to take care of the minor child, she was not able to appear before the Court promptly and give evidence on her side and the same has to be pardoned and should be given with an opportunity to reopen her side evidence and sought for setting aside the impugned order.

6. Per contra, the respondent who appeared in person submitted that the Trial Court had dismissed the application to reopen the evidence on the side of the petitioners diligently by considering the reluctance and inadvertence which was wantonly caused by the 1st petitioner in conducting her case by observing that the petitioner had been making use of the Court as a playground. The 1st petitioner indulged in filing multiple cases against the respondent. At the time of marriage, he was



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working as a Software Engineer in Tart Labs at Coimbatore and was drawing a handsome salary. Only since his marriage with the 1st petitioner, he was encountered with multiple problems one after the other, with which he was not able to withstand the situations which was created by the 1st petitioner and he was made to run between pillar and post. Last but not the least, they even made up their mind to indulge in hooliganism and tried to damage his house with weapons and he also placed before me certain photographs in that regard and he had material evidence to be marked before the learned Trial Court which would substantiate his claim and only to defeat his case, she had filed an application for interim alimony and she dragged on the matter without commencing her side evidence till the application for interim alimony was disposed of by the learned Trial Court by allowing the application directing him to pay an amount of Rs.10,000/- as interim alimony and only thereafter, she had come forward to file an application seeking to reopen the petition. As soon as the marriage encountered with certain indifferences, the respondent filed an application for restitution of conjugal rights in H.M.O.P.No.890 of 2022 on the file of Additional Family Court, Coimbatore, in which the 1st petitioner failed to appear for



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6 hearings. In the meanwhile, without taking any steps to restore the petition for restitution of conjugal rights, she approached his employer and had complained against the conduct of the respondent, as a result of which he was thrown out of his office by his employer and he was also compelled by his in-laws as well as the 1st petitioner to fall in line in terms of their whims and fancies and their directions requiring the respondent to move to Palani, which is her maternal home. Thereafter, the respondent took severe efforts to get employment in many companies. However, he was not able to secure any employment. As a result of which, he was constrained to join Law College at KGF Law College at Bangalore and now, he is pursuing second year law. He also submitted that in the meanwhile, in H.M.O.P.No.1836 of 2022 on the file of Additional Principal Family Court, Coimbatore, the marriage between the 1st petitioner and the respondent which was solemnized on 30.10.2020 was dissolved by order dated 15.11.2024, in which order even the Family Court had recorded all the tactics which was adopted by the 1st petitioner and more particularly, it had been recorded that the 1st petitioner had heeded to the ill advice of her mother, which had resulted in the shattering of her matrimony.



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7. Heard the learned counsel for the petitioner and the respondent and carefully perused the materials available on record.

8. As rightly pointed out by the respondent, the learned Trial Court had elaborately recorded in paragraph no.8 of the impugned order that the 1st petitioner was not at all serious in conducting her case and she had dragged on the case for a period of at least two years without commencing the petitioners' side evidence. In fact, she had went to the extent of misusing the Court at her sweet will and the learned Trial Court had duly recorded her malafide intention in dragging the case to cause difficulty to the respondent. Hence, I do not find any infirmity in the order passed by the learned Trial Court.

9. Hence, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

06.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI ,J.

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To

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

Order made in
CrI.R.C.(MD)No.764 of 2025

Dated: 06.08.2025