



Crl.O.P.(MD).No.5003 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5003 of 2026
and
Crl.M.P.(MD).No.5357 of 2026

P.Karuppasamy

...Petitioner

Vs

1.P.Jeyanthimala

2.K.Dharshini

3.K.Ponnila

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the order made in Crl.M.P.No.8433/2025 dated 13.02.2026 on the file of the learned Additional Chief Judicial Magistrate, Madurai, to set aside the same.

For Petitioners : Mr.K.Jaya Seelan

ORDER

The present petition has been filed seeking to set aside the order made in Crl.M.P.No.8433/2025 dated 13.02.2026 on the file of the learned Additional Chief Judicial Magistrate, Madurai, wherein the application filed by the petitioner under Section 311 of Cr.P.C. was dismissed.



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2.Perusal of the records reveal that the respondents have filed a maintenance petition in M.C.No.01 of 2023 under Section 125 Cr.P.C., seeking monthly maintenance. After the examination of either side, when the case was posted for arguments, the present application has been filed seeking to recall P.W.1 for further cross examination on the ground that he is disputing the paternity of both the minor children. The petition filed by the petitioner seeking a DNA test has also been dismissed.

3.It could be seen from the records that one of the minor children is aged 18 years and the other child is aged 16 years. The maintenance petition in M.C.No.01 of 2023 is pending for more than 3 years and the present application has been filed, when the case is posted for arguments.

4.Under such circumstances, this Court is of the considered opinion that no legally acceptable ground has been raised for allowing the application filed under Section 311 to recall P.W.1. The trial court has rightly dismissed the application. There are no merits in this petition.



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5. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected Criminal Miscellaneous Petition stands closed.

10.03.2026

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

To

1. The learned Additional Chief Judicial Magistrate,
Madurai.



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R.VIJAYAKUMAR, J.

vsg

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