

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

CrI.MC.No. 330 of 2015 (E)

**M.C.NO.211/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUTHUPARAMBA**

PETITIONERS/RESPONDENTS :-

- 1. JALAJA MANI, AGED 67 YEARS,
W/O.MANIYAN, KATTIMITTAM, P.O. VAIKKAPRAYAR,
VAIKOM, KOTTAYAM DISTRICT.**
- 2. SANTOSH K.M., AGED 40 YEARS,
S/O.MANIYAN, WELDER, P.O.VAIKKAPRAYAR,
VAIKOM, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.JULIAN XAVIER J.
SRI.FIROZ K.ROBIN**

RESPONDENT(S):

- 1. SREEJA M.S, D/O.SREEDHARAN, 35 YEARS,
MANAKATT VELIL VEEDU, AMBAYATHODE P.O.,
PALCHURAM, PIN - 670 654.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R2 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.M.C.No.330 of 2015

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Dated this the 2nd day of September, 2015

ORDER

The learned counsel for the petitioners seek permission to withdraw the proceeding with liberty to file petition under Article 227 of the Constitution of India. The Protection of Women from Domestic Violence Act is a self contained code providing procedure for different remedies under the Act. Whatever defence taken by the respondent must be agitated before the learned Magistrate dealing with the case, and such proceedings, governed by the Special Act cannot be controlled or quashed under Section 482 Cr.P.C. In short, in exercise of the powers under Section 482 Cr.P.C., the High Court cannot transgress into the areas covered by the special laws. When the special law provides remedy, the aggrieved person will have to resort to such remedies. If any particular situation is not met by the special law, the aggrieved person can resort to other remedies, including the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The

petitioners have rightly decided to withdraw from this proceeding,

Hence, this Crl.M.C. is dismissed as withdrawn without prejudice to the right of the petitioners to bring proper proceeding under Article 227 of the Constitution of India, if the DV Act does not provide the remedy sought.

Sd/-
P.UBAID
JUDGE

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P.A. TO JUDGE