

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL.R.C.No.1353 of 2014

and

M.P.No.1 of 2014

1.A.Manikandan
2.Revathy Ammal ... Petitioners

Vs.

Manonmani
Rep by her father and Natural Guardian
Mr.V.Ramadoss ... Respondent

Criminal Revision Petition filed under Section 397 r/w.401 of Cr.P.C., calling for the records in C.A.No.85 of 2014 on the file of III Additional Sessions Court, Chennai and set aside the order dated 14.10.2014.

For Petitioners : Mr.A.D.Jagadish Chandira

For Respondent : Mr.M.Pari

O R D E R

This Revision challenges the order dated 14.10.2004 passed in C.A.No.85 of 2014 on the file of III Additional Sessions Court, Chennai.

2. Petitioners are husband and mother-in-law of the respondent respectively. Difference of opinion arose between first petitioner and the respondent. First petitioner/husband filed H.M.O.P.No.3172 of 2013 on the file of learned Judge, Family Court, Chennai, seeking decree of nullity of marriage. Pending such petition, the respondent/wife filed M.P.No.727 of 2014 on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai, u/s.12 of Protection of Women from Domestic Violence Act, 2005. In such petition, the respondent/wife filed M.P.No.735 of 2014 seeking a residential order. Such petition was allowed under orders dated 12.03.2014. Against such order, the petitioners herein filed C.A.No.85 of 2014 on the file of

learned III Additional Sessions Judge, Chennai, which came to be dismissed under judgment dated 14.10.2014. Challenging the same, the present revision has been filed.

3. Heard learned counsel for petitioners and learned counsel for respondent.

4. A bare perusal of the order under challenge reveals that in passing the order under Section 23 of the Protection of Women from Domestic Violence Act, 2005, no prima facie satisfaction of the petitioner committing or having committed an offence of Domestic Violence or there being any likelihood of doing so has been recorded. On such ground alone, the Criminal Revision Petition is to be allowed.

This Criminal Revision is allowed. The order of learned III Additional Sessions Court, Chennai, passed in C.A.No.85 of 2014 on 14.10.2014 and that of learned XVII Metropolitan Magistrate, Saidapet, Chennai, passed in M.P.No.735 of 2014 on 12.03.2014 are set aside. Learned XVII Metropolitan Magistrate, Saidapet, Chennai, shall take M.P.No.735 of 2014 in M.P.No.727 of 2014 on file afresh for consideration and dispose of the same after passing a reasoned order within one month from the date of receipt of a copy of this order. Consequently, connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar (CS-IV)
True Copy
Sub Assistant Registrar

To

1.The III Additional Sessions Court,
Chennai.

2.-do-Thro The Principal Sessions Judge,
Chennai.

3.The XVII Metropolitan Magistrate,
Saidapet,
Chennai.

4.-Do- Thro The Chief Metropolitan Magistrate,
Saidapet,
Chennai.

5.The Public Prosecutor,
High Court,
Chennai.

+1cc to Mr.M.Pari, Advocate sr.66194

+1cc to M/S.A.D.Jagadish Chandira, Advocate sr.65998

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