

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.439 of 2014

S.Yogambal

.. Petitioner/Petitioner

Versus

S.Nehru

.. Respondent/Respondent

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 28.02.2014 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai-8 in M.P.No.429 of 2008.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.K.Gajendiran

ORDER

Challenging the order of dismissal dated 28.02.2014 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai-8 in dismissing the petition filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 in M.P.No.429 of 2008, this Criminal Revision case has been filed.

2. When the matter is taken up today for hearing, learned counsel appearing for the petitioner would submit that the Court below without taking into consideration the fact that the petitioner is residing in a portion of the suit property, for which, several suits are pending between the parties, before the Civil Court in O.S.Nos.1956 of 2008, 4302 of 2010 and 4239 of 2013, have erroneously dismissed the petition filed by the petitioner seeking protection. However, he would only submit that the parties have to abide by the orders to be passed in the pending civil suits and he would only pray that till such time any order is being passed, the petitioner shall not be disturbed from her possession.

3. Learned counsel for the respondent also would submit that the respondent will not disturb the possession of the petitioner till the civil suits are disposed of.

5. On a perusal of the order passed, it is seen that the court below has dismissed the petition filed by the petitioner only in view of the fact that several civil suits are pending between the parties. Since the petitioner has prayed before this Court that she will abide by the orders to be passed in the civil suits and that till such time, she may not be disturbed from her peaceful possession, as she being an unmarried lady, and also taking into account the undertaking given by the respondent before this Court that he will not disturb the petitioner during the pendency of the civil suits and that he will also abide by the results of the civil suits, without going into the merits of the matter, recording the submission made on either side, this Criminal Revision Case is closed. It is needless to mention that the parties are bound by the orders to be passed in the pending civil suits.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vj2

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai-8
2. Thro Chief Metropolitan, Magistrate,
Egmore, Chennai

+1 cc to Mr.K.Gajendran, Advocate (sr.54594)

+1 cc to Mr.S.Annamkalai, Advocate (sr.54181)

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Cr1.R.C. No.439 of 2014

JSV(co)
cp 26/10/2015