

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.R.C.No.343 of 2015
& M.P.No.1 of 2015

1. P.Sureshkumar
2. P.Malathy

... Petitioners/Respondents

vs.

Geetha @ Geethalakshmi ... Respondent/Petitioner

Criminal Revision filed under Section 397 and 401 Cr.P.C. to call for the records relating to the ad interim ex-party order dated 4.2.2015 passed in C.M.P.No.908 of 2015 in D.V.No.5 of 2015 on the file of the learned Judicial Magistrate, Tambaram and set aside the same.

For Petitioners : Mr.A.P.Loganathan

O R D E R

The petitioners seek to challenge the interim adhoc order passed by the learned Judicial Magistrate, Tambaram on 4.2.2015 in C.M.P.No.908/2015 in D.V.No.5/2015 that was launched by the respondent/wife of the first petitioner.

2. It is the contention of the learned counsel for the petitioner that the trial court has no authority to pass an adhoc interim order under the Protection of Women from Domestic Violence Act, 2005. The learned counsel for the petitioner takes exception of the words used "adhoc interim exparte order".

3. On reading of Section 23 of the above Act, the Act empowers the Magistrate to pass such interim orders if the Magistrate deems just and proper. This Court should not go into the usage of the language employed by the trial court. But, this Court should see whether the Magistrate has authority to pass the order impugned. Section 23 of the above Act gives the power to the Magistrate to pass the order, which is impugned herein.

4. The learned counsel for the petitioner submits that it

is the duty of the Magistrate to hear the other side and either confirm the order or vacate the order at the earliest.

5. Recording the same, this Court directs the learned Judicial Magistrate, Tambaram to complete the enquiry in C.M.P.No.908/2015 in D.V.No.5/2015, within one month from the date of receipt of a copy of this order.

6. The Criminal Revision is closed with the above direction. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

(Note: Issue the order copy on 20.4.2015)

To

1.The Judicial Magistrate,
Tambaram

2.-do- Thro The Chief Judicial Magistrate, Kancheepuram.

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