

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP No.16050 of 2015

&

MP.No.1 of 2015

K.Senthilkumar

...Petitioner

Vs

1.The Protection Officer,
Domestic Violence Act 2005,
District Social Welfare Office,
2nd Floor, Collector Office Campus,
Thiruvallur.

2.Mrs.R.Sangeetha

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to supply a copy of the complaint along with annexure preferred by 2nd respondent before the Judicial Magistrate Court, Tiruvotriyur, who in turn referred the same to the first respondent for enquiry under Na.Ka.No.2627/Ku.Va/15 dated 08.05.2015.

For Petitioner : Mr.N.Naganathan

For R1 : Mr.Sanjai Gandhi, AGP

ORDER

This Writ petition has been filed praying for the issuance of a writ of Mandamus, directing the first respondent to supply a copy of the complaint along with annexure preferred by 2nd respondent before the Judicial Magistrate Court, Tiruvotriyur, who in turn referred the same to the first respondent for enquiry under Na.Ka.No.2627/Ku.Va/15 dated 08.05.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

3. It is seen that the second respondent, who is the wife of the petitioner has filed an application under Domestic Violence Act, before the learned Judicial Magistrate, Tiruvotriyur, who in turn has referred the matter to the protection Officer, for enquiry and report.

4. The petitioner is now seeking to quash the proceedings before the protection Officer. This Court is of the view that an enquiry by the Protection Officer cannot be interfered with at this stage, as he has a statutory duty under the Domestic Violence Act to conduct enquiry on the orders of the learned Magistrate. Therefore, this Court, sitting in writ jurisdiction, cannot interdict and quash the enquiry.

5. The learned counsel for the petitioner submitted that between the parties, H.M.O.P.No.443 of 2013 is pending and therefore, the proceedings under the Domestic Violence Act is an abuse of process of law.

6. This Court is unable to countenance this argument in the light of Section 36 of the Domestic Violence Act. The relevant portion is extracted below:

36:Act not in derogation of any other law:the provisions of this Act shall be in additional to and not in derogation of the provisions of in other law for the time being in force.

7. In view of the above, there are no merits in the writ petition and the same is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Deputy Registrar(J)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Protection Officer,
Domestic Violence Act 2005,
District Social Welfare Office,
2nd Floor, Collector Office Campus,
Thiruvallur.

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2.The Public Prosecutor,
High Court, Madras.

1 CC to Mr.N.Naganathan, Advocate SR.No. 32742

1 CC to the Government Pleader, SR.No. 33368

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CA (CO)
PSI (13.07.2015)



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