

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

CrI.O.P. No.27206 of 2014
and
M.P.No.1 of 2014

1.S.Jayakrishnan
2.V.J.Selvaraju
3.Sivakamu
4.Devipriya

... Petitioners

vs.

O.Jagadeeswari

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to M.C.No.5 of 2013 on the file of the Judicial Magistrate No.I, Puducherry, to quash the same.

For Petitioner : Ms.N.R.Jasmine Padma
for M/s.L.Chandrakumar

For Respondent: Mr.R.Dakshinamurthy

O R D E R

This petition is filed by the petitioners who are arrayed as respondents in M.C.No.5 of 2013 filed under the provisions of Protection of Women from Domestic Violence Act, 2005, pending on the file of the Judicial Magistrate No.I, Puducherry.

2. It is submitted by the learned counsel for the petitioners that even according to the petition in M.C.No.5 of 2013, the occurrence had taken place in USA and no such event as alleged in the petition has taken place in India and therefore, the Court at Puducherry has no jurisdiction to entertain the petition. The learned counsel further submitted that section 27 of the Protection of Women from Domestic Violence Act, 2005, deals with the scope of jurisdiction and as per section 27 of the Act, the Court at Puducherry has no jurisdiction to entertain the petition as none of the incidents has taken place in Puducherry.

3. I am unable to accept the contention of the learned counsel for the petitioners. Under Section 27 of the Act, the competent Court to grant protection order and other orders is the Judicial Magistrate of the first class or the Metropolitan Magistrate, within which a person aggrieved permanently or temporarily resides or carries on business or is employed, and according to the respondent, she is permanently residing at Puducherry. Therefore, the Court at Puducherry has got jurisdiction. Further, a reading of the complaint discloses that the allegations are made in Paragraph 13 about the incident that took place in June 2011 when the respondent came to India to attend the marriage of the fourth respondent and in Paragraph 19, specific allegations are made against the first petitioner. Therefore, having regard to the specific allegations made in Paragraph 13 in respect of the incidents which had taken place at Puducherry, and also the allegations made in Paragraphs 16 and 19, the Court at Puducherry has got jurisdiction. Another submission of the learned counsel for the petitioner is that after filing of HMOP by the first petitioner, the present complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005 was given in respect of the incident that took place in the year 2008 and 2011. According to me, there is no delay, as being a matrimonial dispute, people may not be willing to rush to the police or to the Court and having realised that the marriage has come to an end by the filing of the divorce application by the first petitioner, the respondent might have thought of filing the complaint stating the domestic violence committed to her by the petitioners. As stated supra in Paragraphs 13, 16 and 19, specific allegations are made against the petitioners. Therefore, the contention of the learned counsel for the petitioner that the Court at Puducherry has no jurisdiction cannot be accepted.

4. As no other point is urged and the only point urged regarding jurisdiction is negatived, the petition is dismissed. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm

To

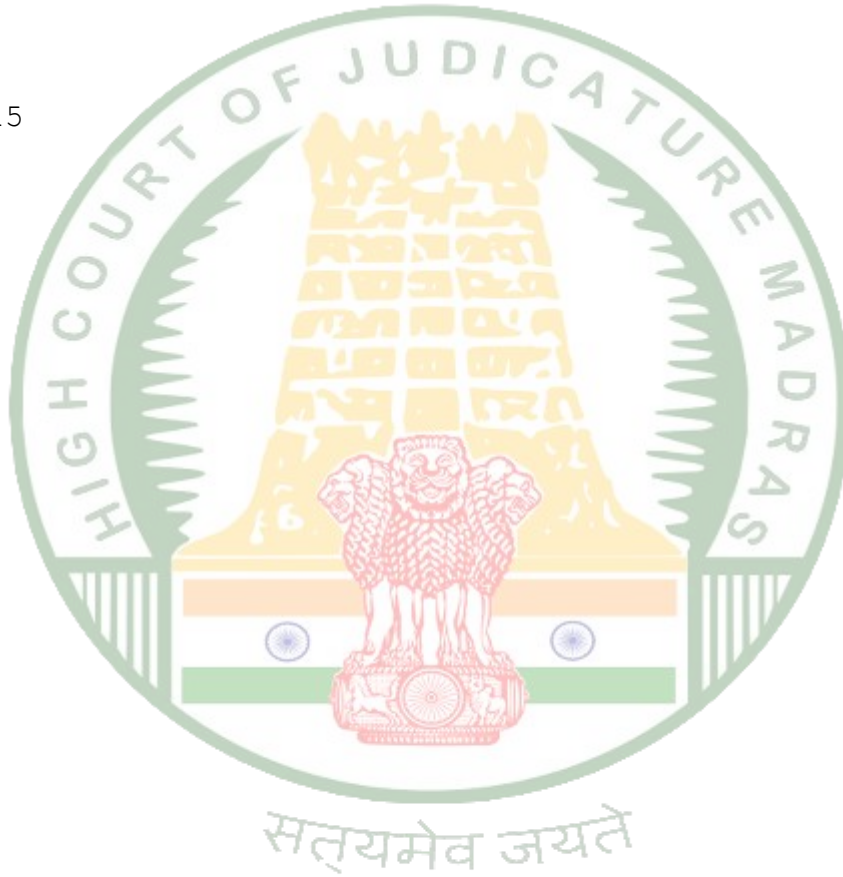
The Judicial Magistrate No.I,
Puducherry.

+ 1 cc to Mr.L.Chandrakumar, Advocate SR.7252

+ 1 cc to Mr.R. Dakshinamurthy, Advocate SR.7533

CRL.O.P. No.27206 of 2014
and
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