

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.32401 of 2013
& MP.Nos.1 and 2 of 2013

1.C.Elango
2.Chinnaya

.. Petitioners

Vs

Rathina

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to M.C.No.7 of 2013 on the file of the District Munsif Cum Judicial Magistrate, Neyveli and quash the same.

For Petitioners :Mr.C.D.Sugumar

For Respondent :S.Saravanakumar

ORDER

Seeking a direction to the District Munsif Cum Judicial Magistrate, Neyveli to call for the records pertaining to M.C.No.7 of 2013 and quash the same, the petitioner has come up with this petition.

2. Heard the learned counsel for the petitioner and the learned Counsel appearing for the respondent.

3.Today, the petitioner has filed an affidavit, wherein he has stated that he is paying a sum of Rs.10,000/- per month as maintenance to the respondent/wife and that the amount is being deducted directly from his salary and remitted to the Court in M.C.No.8 of 2004 on the file of the District Munsif Cum Judicial Magistrate, Neyveli. The respondent/wife has now preferred M.C.No.7 of 2013 before the same Court under the provisions of the Domestic Violence Act against the petitioners.

4.On a reading of the complaint, lodged by the respondent, this Court finds that there are no serious allegations against Chinnaya(the second petitioner herein) warranting an enquiry under the Domestic Violence Act. Hence, the proceedings in M.C.No.7 of 2013 is pending on the file of the District Munsif Cum Judicial Magistrate, Neyveli is quashed as against Chinnaya(the second petitioner herein).

5.The learned Counsel for the petitioner submits that the provisions of the Domestic Violence Act itself will not apply to this case, because the parties were separated way back in the year 2003. The learned Counsel further submits that the petitioner is paying meticulously a sum of Rs.10,000/- per month to the respondent/wife.

6.This Court will not embark upon enquiry into disputed question of facts. Hence, this petition is dismissed as against the first petitioner (C.Elango), with liberty to the petitioner to raise all these issues before the District Munsif Cum Judicial Magistrate, Neyveli in M.C.No.7 of 2013.

7. This Criminal Original Petition is closed with the above direction. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The District Munsif Cum
Judicial Magistrate,
Neyveli.

+1 cc to Mr.C.D.Sugumar, Advocate,SR.29817

+1 cc to Mr.S.Saravanakumar, Advocate,SR.29713.

Rsy(co)
krd 25/6

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सत्यमेव जयते

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