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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2015

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
CRL.O.P.(MD)No.1683 of 2015

Jayamani

.. Petitioner/Petitioner

Vs

Velu

.. Respondent/Respondent

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to set aside the impugned return order dated 18.12.2014 passed in Cr.M.P.No. Un numbered / 2014 on the file of the learned Judicial Magistrate, Oddanchatram and consequently direct the learned Court to take the said petition on file and proceed in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R. Narayanan

#### O R D E R

This Criminal Original Petition has been filed, seeking to set aside the impugned order dated 18.12.2014 passed in Cr.M.P.No. Un numbered / 2014 on the file of the learned Judicial Magistrate, Oddanchatram and to consequently direct the learned Court to take the said petition on file and proceed in accordance with law within the time stipulated by this Court.

2. The petitioner is the wife. She filed Crl.M.P.No.330 of 2011 before the learned Judicial Magistrate, Oodanchatra. The said petition was allowed in part granting some monetary benefits to the petitioner and return of the jewels. It is alleged that the said order has not been complied with.

3. The petitioner has filed another petition in Crl.M.P.un numbered / 2014 for taking cognizance under Section 31 of the Protection of Women from Domestic Violence Act. The said petition was returned, on the ground that no protection order was passed in the Crl.M.P.No.330 of 2011.

4. It is pertinent to mention here that while dealing with a petition of this nature, a technical interpretation leading to the Act being violated should not be given and if such an interpretation is accepted, in respect of monetary benefits and return of jewels, then there is no efficacious remedy for the petitioner.



5. Thus the order passed by the learned Judicial Magistrate, Oddanchatram is set aside and the said Magistrate is directed to number the application and decide the same on merit.

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/True copy/

Sd/-  
Assistant Registrar (CO)

Sub Assistant Registrar

To

1. The Judicial Magistrate, Oddanchatram
2. -Do- Thro The Chief Judicial Magistrate, Dindigul.

+1cc to MR.R.NARAYANAN, ADVOCATE IN SR : 20988

Trp  
SR/IV : 14.05.2015 : 2p/4c

CRL.O.P. (MD) No.1683 of 2015  
20.04.2015