



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2014

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Crl.O.P.(MD)NO.19587 of 2014

and

M.P.(MD)No.1 of 2014

1. P.DEVA ASIRVATHAM SAMUEL
2. JULIET REVATHY

.. Petitioner

Vs.

1. A.ANGEL SUGUNA
2. MINOR JOSHVA

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in the petition in M.C.No.120 of 2014 on the file of the Learned Judicial Magistrate No.1, Thoothukudi District and quash the proceedings initiated against the petitioners herein on the basis of the petition filed by the respondent.

For Petitioner : Mr.A.Thiruvadikumar

O R D E R

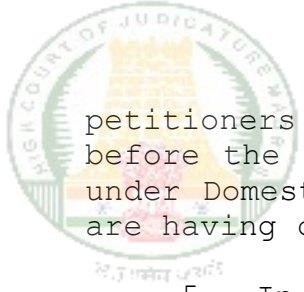
This petitioners have come forward with this petition challenging the proceedings initiated under the Domestic Violation Act, which is now pending before the learned Judicial Magistrate No.I, Thoothukudi. The petitioners seek that the proceedings has got to be quashed.

2. The case of the petitioners is that the petitioners happens to be the father-in-law and mother-in-law of the first respondent herein and there are no allegations against them and they have been unnecessarily included in the proceedings.

3. It is too premature to decide the issue and the matter has got to be tried by the appropriate Court under the Domestic Violence Act. I do not find any reason to interfere and to quash the proceedings at this stage. It is made very clear that the proceedings under the Domestic Violence Act is not a proceedings one under the Criminal provisions. The powers have been conferred by the Domestic Violence Act to the learned Magistrate Court and hence this Court expects that the presence of parties, need not be insisted upon. This Court also makes it very clear that the parties need not file any petition for adjournment either under Section 205 or under Section 317 of Cr.P.C. As and when they are required, the Magistrate shall insist the parties to appear.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the petitioners submitted that instead of Criminal Court, the matter may be transferred to Family Court, as the



petitioners are very old and they will not be in a position to appear before the Criminal Court. He would further submit that for the offences under Domestic Violence Act, Civil Court, Family Court and Criminal Court are having concurrent jurisdiction.

5. In view of the representation made by the learned counsel appearing for the petitioners, the matter is transferred from the Judicial Magistrate Court No.I, Thoothukudi, Thoothukudi District to the Family Court in the same place.

6. The petitioner is permitted to take private notice.

7. This Criminal Original Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(T & P)

\\True copy\\

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1, Thoothukudi, Thoothukudi District.
2. -do-thro' The Chief Judicial Magistrate No.1, Thoothukudi.
3. The Family Court, Thoothukudi.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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