



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD).No.6307 of 2014
and
M.P.(MD).No.1 of 2015

1.P.Elangovan
2.Tmt.Vanitha
... Petitioners

-Vs-

Tmt.Pon.Devaki
... Respondent

PRAYER:- Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the case in M.C.No.136 of 2014 on the file of the Additional Mahila Court, Madurai and quash the same.

For Petitioner :Mr.S.Gokulraj

ORDER

The petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for the records relating to the case in M.C.No.136 of 2014 on the file of the Additional Mahila Court, Madurai and quash the same.

2.Heard the learned counsel appearing for the petitioner.

3.The petitioners are the son and daughter-in-law of the respondent. The respondent has filed M.C.No.136 of 2014 seeking protection. Challenging the same, the present petition has been filed.

4.The learned counsel for the petitioner submitted that there is a civil dispute pending between the parties. He further submitted that the respondent has never lived with the petitioners and therefore, Section 19 (1)(a) of the Protection of Women from Domestic Violence Act, 2005, can not be pressed into service.

5.The fact that the respondent is the mother of the first petitioner is not in dispute. The respondent sought for a monetary relief from the other relief. Section 19 of the 'Act' which speaks of residence orders gives authoritative power to the Court to pass appropriate orders.



6.The object of the enactment is to give quick relief to the aggrieved person. For that reason the outer time limit is fixed for the disposal of the application filed under Section 12 of the Act, being sixty days from the date of its first hearing.

WEB COPY

7.The petitioner instead of making submissions before the lower Court has forthwith come forward with this petition, which cannot be sustained in the eye of law. Accordingly, the criminal original petition is dismissed. However, the observations is made only prima facie and hence, they would not stand in the way of the Additional Mahila Court, Madurai to decide the M.C in accordance with law. Taking note of the long pendency of the case, this Court also directs the Additional Mahila Court, Madurai to dispose of the M.C.No.136 of 2014 within a period of three months from the date of receipt of a copy of this order.

8.The personal appearance of the petitioner is dispensed with before the trial Court, unless and until it is specifically required by the said Court.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub-Assistant Registrar

To

The Judge
The Additional Mahila Court,
Madurai.

+One cc t Mr.S.Gokulraj, Advocate, SR.No.20592

Ns

RL/3 c- 11/5/2015

Cr1.O.P (MD) No.6307 of 2014

21.04.2015