



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2015

CORAM

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

CRL.O.P. (MD) No.5685 of 2015

and M.P. (MD) Nos.1 & 2 of 2015

WEB COPY

1.Vinoth Chandran
2.Nangaiyar
3.Ulaganathan
4.Neelakandan

.. Petitioners/Accused Nos.1 to 4

.. Vs ..

Surya

.. Respondent

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records in M.C.No.12 of 2014 on the file of the Judicial Magistrate No.II, Nagercoil and quash the same.

For Petitioners : Mr.M.P.Senthil

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O R D E R

The petitioners seek to quash the proceedings in M.C.No.12 of 2014 on the file of the Judicial Magistrate No.II, Nagercoil.

2. The learned counsel for the petitioners raised a legal issue stating that Section 12 of the Protection of Women from Domestic Violence Act, will have to be followed scrupulously before passing order on the application filed seeking appropriate relief.

3. This Court is of the view that the issue raised herein can be agitated before the learned Magistrate and it is for the Magistrate to appreciate the same. The stage is too premature as the learned Magistrate is yet to grant any relief in the application. Hence, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD) Nos.1 & 2 of 2015 are also closed. However, all the issues are left open to be raised before the Court below. Considering the submission made, personal appearance of the petitioners before the Court below is dispensed with until and unless the same is required. Learned Judicial Magistrate No.II, Nagercoil, is directed to dispose of M.C.No.12 of 2014 within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1.The Judicial Magistrate No.II,
Nagercoil.

WEB COPY

2.Do through the Chief Judicial Magistrate
Kanyakumari District at Nagercoil

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.M.P.Senthil, Advocate, SR.No.19623

pm

RL/ 5c- 11/5/2015

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