

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.10033 of 2016
and
CrIIMP Nos.5331 and 5332 of 2016

K.Ravi Petitioner
Vs
S.Nandhini ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in connection with D.V.No.4 of 2016 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai, pending investigation and to quash the same.

For Petitioner :Mr.G. Murali

For Respondent :Mr.R.Rajesh

ORDER

This petition has been filed to quash the proceedings in connection with D.V.No.4 of 2016 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai.

2.It is seen that the petitioner got married to the respondent on 31.08.1995 and they have one child through the wedlock. While so, it is alleged by the respondent that the petitioner did not take care of her and her child and therefore, the respondent initiated proceedings under the Domestic Violence Act before the XIV Metropolitan Magistrate, Egmore, Chennai, in D.V.No.4 of 2016, challenging which, the petitioner has filed the present petition for quashing the said proceedings.

3.Learned counsel for the petitioner submitted that the petitioner has filed HMOP No.521 of 2015 for restitution of conjugal rights against the respondent, as only a counter blast, the respondent has initiated proceedings under the Domestic Violence Act.

4.Section 36 of the Protection of Women from Domestic Violence Act, states that the act is not in derogation of the provisions of any other law, for the time being in force. Hence, the proceedings initiated by the respondent cannot be quashed.

5.Learned counsel for the petitioner submitted that the respondent is not appearing before the Lok Adalat in the proceedings of restitution of conjugal rights, which has been initiated before the Sub Court, Poonamallee, Chennai.

6.Mr.R.Rajesh, learned counsel for the respondent submitted that the petitioner has not paid any amount for the past five years either to the respondent or to the child.

This Court cannot go into disputed questions of facts in an application filed under Section 482 of CrPC. It is open to the petitioner to raise all the points before the Court below. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mps

To

The XIV Metropolitan Magistrate,
Egmore,
Chennai.

+ 1 cc to Mr.E. Ezhil Karolin, Advocate SR.33374
+ 1 cc to Mr. G. Murali, Advocate SR.33006

Cr1.OP.No.10033 of 2016
and
Cr1MP Nos.5331&5332 of 2016

PA(CO)
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