

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE JUSTICE P.N.PRKASH

Cr1.OP.No.23710 of 2016
and Cr1.MP.Nos.11296 & 11297 of 2016

K.Kumaresan @ John ... Petitioner

Vs

J.Bharathi @ Beulah ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the entire records in C.C.No.10985 of 2014 previously on the file of X Metropolitan Magistrate Court, Egmore, now transferred as D.V.C.No.83 of 2016 on the file of the Additional Mahila Court, Egmore and quash the same as against the petitioner, being devoid of any merits.

For Petitioner :Mr.V.J.Arul Raj

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.10985 of 2014, previously on the file of X Metropolitan Magistrate Court, Egmore, and now transferred as D.V.C.No.83 of 2016 on the file of the Additional Mahila Court, Egmore, Chennai.

2. Bharathi has initiated proceedings under the Domestic Violence Act, which is now pending as D.V.C.No.83 of 2016 on the file of the Mahila Court (Magisterial Level) Egmore, Chennai, against Kumaresan (husband), Chandra and Mohan. It is seen that Chandra and Mohan had filed Cr1.OP.No.21803 of 2016, in which, this Court passed the following order on 26.09.2016:

"Notice of motion returnable by 28.11.2016.
Private notice is also permitted.

2. The petitioners 1 & 2 shall ensure that Mr.Kumaresan @ John, the husband of the respondent deposits a sum of Rs.3,000/- [Rupees three thousand only] before 5th of every English calendar month to the credit of D.V.C.No.83 of 2016 on the file of the learned Addl. Mahila Court, Egmore, Chennai, as ad-interim maintenance apart from the interim maintenance ordered by the

trial court, without prejudice to their defence. On such deposit, the respondent/wife is entitled to withdraw the same.

3. For the month of September 2016, the said sum of Rs.3,000/- [Rupees three thousand only] shall be deposited on or before 30.09.2016.

4. On the aforesaid condition, dispense with is granted for the petitioners. If the deposit is not made, the Trial Court can insist upon the presence of the petitioners.

5. It is made clear that the pendency of this matter shall not be a bar for the trial court to proceed with the case in DVC.No.83 of 2016.

Post the matter on 28.11.2016 for reporting compliance."

3. Now, Kumaresan is before this Court challenging the proceedings on various grounds. The proceeding under the Domestic Violence Act is not a criminal prosecution, but a quasi-criminal prosecution. The very purpose of the Act is to provide succor for estranged women.

4. Since there are prima facie allegations in the petition filed by Bharathi, this Court cannot interfere to quash the proceedings pending in D.V.C.No.83 of 2016 on the file of the Mahila Court (Magisterial Level) Egmore, Chennai. Hence, this petition is devoid of merits and dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ds

To

1. The X Metropolitan Magistrate
Egmore

2. The Additional Mahila Court
Egmore

1 cc to Mr.V.J., Arulraj, Advocate, Sr. 62818

CRL.OP.NO.23710 of 2016

VGI (CO)

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