

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.8735 of 2016
and
CrI.M.P.No.4574 of 2016

1.Loganadhan
2.K.Sivakumar
3.Ambiga

..Petitioners

Vs.

S.S.Subasree

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in CRP No.2/2015 dated 21.03.2015 on the file of the District Court No.2, Kancheepuram confirming the order made in CMP No.5630 of 2013 in C.C.No.96/2013 on the file of the Judicial Magistrate No.1, Kancheepuram and set aside the same.

For Petitioners : Mr.D.Ravichander

For Respondent : Mr.M.Senthamizh Selvan

O R D E R

This petition has been filed to to call for the records in CRP No.2/2015 dated 21.03.2015 on the file of the District Court No.2, Kancheepuram confirming the order made in CMP No.5630 of 2013 in C.C.No.96/2013 on the file of the Judicial Magistrate No.1, Kancheepuram and set aside the same.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. It is seen that Subasri got married to Loganathan on 04.06.2003 and their marriage ran into rough weather. Subasri filed C.C.No.96/2013 under Protection of Women from Domestic Violence Act, in which an order has been passed by the Judicial Magistrate No.1, Kancheepuram, on 17.03.2015 in CMP No.5630/2013, challenging which Loganathan filed CRP.No.2/2015 before the District Court No.II, Kancheepuram and the same was dismissed on 21.03.2016. Challenging the said order, Loganathan is before this Court.

4. In the considered opinion of this Court, once Loganathan has invoked the revisional jurisdiction of the Sessions Court, he is precluded from approaching this Court u/s 397(3) Cr.P.C. However, in extraordinary cases where grave injustice has occurred, it is open to the party to approach this Court u/s 482 Cr.P.C. In this case, this Court does not find any serious impropriety or illegality in the orders of the Courts below warranting interference u/s 482 Cr.P.C. The Protection of Women from Domestic Violence Act is a beneficial legislation intended for getting immediate succor to women who have been left in the lurch. The petitioner had a remedy u/s 34 of the Act to file a regular appeal before the Sessions Court which he did not utilise. Hence, this petition is dismissed. Connected M.P. is closed.
gms

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.1, Kancheepuram.
- 2.The District Judge, District Court-II, Kancheepuram.
3. -do- thro' The Chief Judicial Magistrate, Kancheepuram.
- 4.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.D.Ravichander, Advocate Sr 35245
+ 1 cc to M/s.R.J.Yoga Anandhi, Advocate Sr 34687

KR/1/7/16

सत्यमेव जयते
Cr1.OP No.8735 of 2016

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