

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.368 of 2014
and M.P.No.1 of 2014

Prasanna Sundaram

... Petitioner

Vs.

S.Hemalatha

.... Respondent

Prayer:- This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the judgment dated 12.12.2013 made in C.A.No.121 of 2013 on the file of the I Additional District and Sessions Judge, Coimbatore confirming the order dated 13.08.2013 made in Crl.M.P.No.2386 of 2013 in D.V.A.No.1 of 2013 on the file of the Judicial Magistrate No.7, Coimbatore.

For petitioner : Mr.P.Saravana Sowmiyan

For Respondent : M/s.T.M.Naidu & Co.

O R D E R

This Criminal Revision has been filed against the order passed by the I Additional District and Sessions Judge, Coimbatore in C.A.No.121 of 2013 on 12.12.2013 confirming the judgment passed by the Learned VII Judicial Magistrate, Coimbatore in Crl.M.P.No.2386 of 2013 in D.V.A.No.1 of 2013, dismissing the petitioner's application filed under Section 27 (1)(a) of the Protection of Women from Domestic Violence Act 2005.

2.The respondent herein is the wife of the petitioner. They got married on 30.11.2011 and subsequently due to some matrimonial dispute, the respondent was living in her parental house at Coimbatore and she has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act seeking protection in D.V.No.1 of 2013 on the file of the learned Judicial Magistrate, Coimbatore. In the above application, the petitioner herein filed a petition questioning the maintainability of the petition questioning the territorial jurisdiction of the learned Judicial Magistrate, Coimbatore.

3. According to the petitioner, the respondent is working at Bangalore and also residing there, the entire cause of action arose at Bangalore and the learned Judicial Magistrate, Coimbatore does not have jurisdiction. The learned Judicial Magistrate, Coimbatore dismissed the said application holding that the petitioner only temporarily employed at Bangalore but, her parental house is only at Coimbatore, where she permanently resides and under Section 27(1)(a) of the Act, the respondent can maintain the application at Coimbatore. Challenging, the dismissal order, the petitioner filed an appeal in C.A.No.121 of 2013 on the file of the I Additional Sessions Judge, Coimbatore. The appellate Court also confirmed the order of the Trial Court and dismissed the appeal. Challenging the same, the present revision has been filed.

4. Heard Mr.P.Saravana Sowmiyan, learned counsel appearing on behalf of the petitioner and M/s.T.M.Naidu, learned counsel appearing on behalf of the respondent.

5. It is an admitted case that the respondent is not living with the petitioner and residing at her parents house at Coimbatore and employed at Bangalore. Section 27 of the Protection of Women from Domestic Violence Act 2005 reads as follows:

Section 27 Jurisdiction:

"1. The court of judicial Magistrate of first class or the Metropolitan Magistrate as the case may be, within the local limits of which

(a) The person aggrieved permanently or temporarily resides or carries on business or is employed;"

6. Since the petitioner is a permanent resident of Coimbatore and temporarily employed and resides at Bangalore, under Section 27(1)(a) of the Act, an application filed before the learned Judicial Magistrate, Coimbatore is maintainable, both the Courts below had considered the same and dismissed the application filed by the petitioner herein. I find no illegality or irregularity in the order passed by the Courts below.

7. In the result, the Criminal Revision is dismissed. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The I Additional District Judge,
Coimbatore.

2.The VII Judicial Magistrate,
Coimbatore.

+lcc to Mr.P.Saravana Sowmiyan, Advocate SR.No.15278

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SKS (CO)
GN (04/04/2017)



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