

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Crl.O.P.No.5618 of 2017

Dhanasekaran

...Petitioner

-vs-

Kodhai Nayagi

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to set aside the return endorsement made by the learned Judicial Magistrate Court-II, Villupuram in C.A.No.49 of 2017 dated 04.02.2017 in D.V.O.P.No.5 of 2016 and also to direct the learned Judicial Magistrate Court-II, Villupuram, to issue free complaint copy to the petitioner and grant such other relief.

For Petitioner : Mr.G.Mohammed Aseef

O R D E R

The petitioner has filed this petition to set aside the return endorsement made by the learned Judicial Magistrate Court-II, Villupuram in the order made in C.A.No.49 of 2017 dated 04.02.2017 in D.V.O.P.No.5 of 2016 and also to direct the learned Judicial Magistrate Court-II, Villupuram, to issue free complaint copy to him.

2. Heard the learned counsel for the petitioner. The case of the petitioner is that the respondent herein has filed D.V.O.P.No.5 of 2016 before the Judicial Magistrate Court No.II, Villupuram, under Section 12 of Prevention of Women from Domestic Violence Act against 5 persons, of whom, the petitioner herein is the 5th respondent in DVOP proceedings. In connection with the said proceedings, the petitioner received a notice from the Magistrate Court on 27.09.2016 to appear on 14.10.2016 at 10.00 a.m. It is stated by the petitioner that only on receipt of the said notice, the petitioner came to know that he was added as a respondent (respondent No.5) in the said petition. The petitioner appeared before the Magistrate Court on 14.10.2016, and sought for a free complaint copy of the petition by oral request, but it was denied to him. Thereafter, he filed a copy application in C.A.No.49 of 2017 on 04.2.2017, and the same was returned with an endorsement that

the respondents 1,3 and 4 have not appeared before the said Court till date, and that since the petition is pending on the file of the Magistrate Court, all the respondents are required to appear on a same day to obtain a free complaint copy and other relevant documents.

3. The contention now raised before this Court by the learned counsel for the petitioner is that the petitioner is no way connected with the matrimonial issue of his brother-in-law and the respondent herein. He also submitted that he cannot give assurance for the appearance of the other respondents, since some of them resides at Villupuram and others at Chennai. Further, the counsel submits that to file a counter and to prove the case, he requires a copy of the complaint filed by the respondent herein in DVOP proceedings.

4. In view of the submissions made by the learned counsel for the petitioner, the learned Judicial Magistrate-II, Villupuram, is directed to furnish copies of documents as required by the petitioner in his application in C.A.No.49/2017 dated 04.02.2017, relating to D.V.O.P.No.5/2016, as per law, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To:

The Judicial Magistrate Court-II,
Villupuram.

+1 CC to Mr.G.Mohammed Aseef, sr 21493

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