

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:11.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P.(MD)Nos.11956 & 11957 of 2017**

S.Arivalagan

... Petitioner/Petitioner/
1st Respondent

-Vs-

A.Gayathiri

... Respondent/Respondent/
Petitioner

COMMON PRAYER:Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to expedite the cases in Cr.M.P. No.3005 of 2016 and Cr.M.P.No.3660 of 2017 in M.C.No.23 of 2015 on the file of the learned Judicial Magistrate, Additional Mahila Court, Trichy.

(in both Crl.O.Ps.)

For Petitioner

: Mr.C.Vakeeswaran

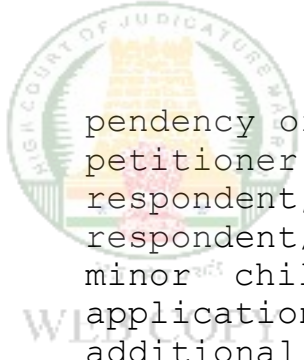
C O M M O N O R D E R

CRL.O.P.(MD)No.11956 of 2017 is filed for a direction to the learned Judicial Magistrate, Additional Mahila Court, Trichy, to expedite and dispose of the case in Cr.M.P.No.3005 of 2016 in M.C.No.23 of 2015.

2. CRL.O.P.(MD)No.11957 of 2017 is filed for a similar direction to the learned Judicial Magistrate, Additional Mahila Court, Trichy, to expedite and dispose of the case in Cr.M.P.No.3660 of 2017 in M.C.No.23 of 2015.

3. Heard the learned counsel appearing for the petitioner.

4. It is stated that the petitioner before this Court is the husband and the respondent is the wife. It is further stated that the respondent/wife filed an application under Domestic Violence Act, in M.C.No.23 of 2015 before the learned Judicial Magistrate, Trichy, for various reliefs. It is also stated that during the



pendency of the said application filed by the respondent/wife, the petitioner has filed an application to send the minor child of the respondent, by name, Sirunaghai, for D.N.A.Test. Though the respondent/wife also agreed for conducting D.N.A.Test for her minor child, it is stated that the wife has filed another application in Cr.M.P.3660 of 2017 in M.C.No.23 of 2015 to file an additional counter in Cr.M.P.No.3005 of 2016 just to drag on the proceedings.

5. It is stated by the learned counsel for the petitioner that the application in Cr.M.P.No.3660 of 2017 was filed unnecessarily and that in view of the pendency of the said application, the petition filed by the petitioner is getting delayed unnecessarily.

6. Having regard to the facts and circumstances narrated by the petitioner in the affidavit filed in support of this petition, this Court is inclined to issue the following direction in both the Criminal Original petitions:-

"The learned Judicial Magistrate, Additional Mahila Court, Trichy, is directed to dispose of both the applications, namely, Cr.M.P.No.3005 of 2016 and Cr.M.P.No.3660 of 2017 in M.C.No.23 of 2015 within a period of two months from the date of receipt of a copy of this order."

7. The Criminal Original petitions are allowed, accordingly.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Additional Mahila Court, Trichy.
2. - do - Thro Chief Judicial Magistrate, Trichy.

+1cc to M/S. C.VAKEESWARAN, Advocate, SR.No.77856.

CRL.O.P. (MD) Nos.11956 & 11957 of 2017
11.09.2017

pmu

SDS/SKN:RSK/SAR 2/21.09.2017/2P/4C