



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

CRL.OP.(MD)No.12501 of 2017 and  
CRL.M.P.(MD)Nos.8614 & 8615 of 2017

Rathish Kumar

... Petitioner/Respondent

**Vs.**

G.P.Visalakshi

... Respondent/Petitioner

**PRAYER:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to D.V.O.P.No.7 of 2017 on the file of the learned Judicial Magistrate No.II, Nagercoil, and to quash the same as illegal.

For Petitioner : Mr.P.Banuprasath

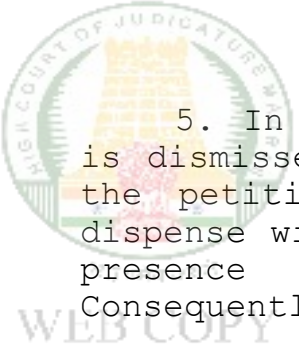
**O R D E R**

This Criminal Original Petition is filed for quashing the petition in D.V.O.P.No.7 of 2017 on the file of the learned Judicial Magistrate No.II, Nagercoil.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is the husband and respondent is the wife. The respondent/wife has preferred a petition in D.V.O.P.No.7 of 2017 before the learned Judicial Magistrate No.II, Nagercoil, for reliefs which are provided under the provisions of Protection of Women from Domestic Violence Act, 2005.

4. From the reading of the petition and the documents which were produced along with the petition, it can be seen that the respondent has made out a *prima facie* case in claiming Maintenance for her and her children and also for return of certain jewels and the household articles from the petitioner. These reliefs can be given only after the enquiry and the respondent is entitled to the reliefs, in case she proves her case before the trial Court. The quash petition on the ground that the allegations levelled against the petitioner are false cannot be entertained. The truth or otherwise of the allegations set out in the petition can be gone into only at the time of the trial and the Court will decide on the basis of the evidence.



5. In such view of the matter, the Criminal Original petition is dismissed. Taking into consideration the age and the fact that the petitioner is only the husband, this Court is inclined to dispense with the appearance of the petitioner, unless or until his presence is specifically required by an order of Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

**To**

The Judicial Magistrate No.II,  
Nagercoil.

+ 1 CC TO Mr.P.BANU PRASATH, ADVOCATE IN SR No. 80753

PMU  
TE/JC/SAR-II : 10/10/2017 : 2P/3C

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