



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.14564 of 2017
and

CrI.M.P.(MD)Nos.9702 and 9703 of 2017

1.S.Aravind Peace Adhiban
2.Bathma Stephen

... Petitioners/Respondents

Vs.

1.P.S.Minnie Starina Evangeline
2.Minor A.Arunodaya Jenefa
3.Minor A.Angeline Jenefa

... Respondents/Petitioners

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the D.V.Case No.7 of 2017 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli and quash the same.

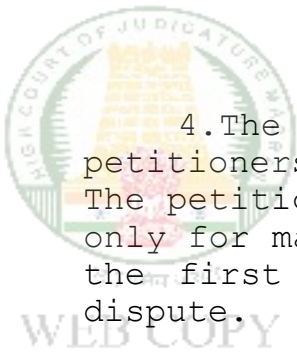
For Petitioners : Mrs.Punitha Deva Kumar

ORDER

The Criminal Original Petition is filed to quash the proceedings in D.V.Case No.7 of 2017 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

2.The first petitioner is the husband of the first respondent and second petitioner is the mother of the first petitioner. The first respondent has filed a petition before the learned Judicial Magistrate-IV, Tirunelveli in D.V.C.No.7 of 2017, under Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act-2005. The reliefs as prayed for by the petitioners therein are for maintenance and for educational expenses of the minor children and for other reliefs which are provided under the provisions of Protection of Women from Domestic Violence Act-2005.

3.The petitioners herein submitted that the first respondent is living separately away from the family since 2006 and that therefore there was no domestic violence and that the petition itself is not maintainable. The petitioners further stated that the lower Court has no territorial jurisdiction to entertain the petition.



4.The contention raised by the learned Counsel for the petitioners in this case are not legally sustainable at this stage. The petition filed by the first respondent before the lower Court is only for maintenance and for other reliefs. The relationship between the first petitioner and the first respondent is not at all in dispute.

5.In the said circumstances, the factual contentions of the petitioners cannot be a basis for quashing the complaint as the petition filed by the first respondent, before the lower Court, discloses the cause of action for the relief. This Criminal Original Petition is therefore liable to be dismissed. The learned Counsel for the petitioners submitted that the second petitioner is aged about 82 years and seeks indulgence of this Court to dispense with the appearance of the second petitioner before the lower Court. The submission of the learned Counsel for the petitioners is reasonable and hence the appearance of the second petitioner before the lower Court is dispensed with, unless and until, her appearance is specifically required by an order of the Court.

6. Accordingly, the criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.IV,
Tirunelveli.

CMR

TE/JC/SAR-I : 10/11/2017 : 2P/2C

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