



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

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THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) No.15207 of 2017

and

Crl.M.P.(MD) No.10106 and 10107 of 2017

1.Vinoth Kannan

2.Selvi

... Petitioners

-Vs-

Dhanalakshmi @ Malathi

... Respondent

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the complaint lodged and being taken case in D.V.O.P.No.26 of 2015, on the file of Judicial Magistrate Court, Nilakkottai and quash the same.

For Petitioner : Mr.S.Balamurugan

ORDER

This Criminal Original Petition is filed praying to quash the proceedings in D.V.O.P.No.26 of 2015 pending on the file of Judicial Magistrate Court, Nilakkottai.

2.The petitioners are the respondents in the proceedings in D.V.O.P.No.26 of 2015 filed by the wife of the first petitioner/respondent herein under Section 12(3) and Rule 6 of Protection of Women from Domestic Violence Act 2006. The petition filed by the respondent discloses a cause of action and the facts stated also shows that the complaint is maintainable as against the petitioners. The claim made by the respondent in D.V.O.P.No.26 of 2015 are provided under the special enactment. In such circumstances, based on some factual issues, this Court cannot entertain this quash petition. It is open to the petitioners to raise all their defence at the time of trial and the lower Court may consider appropriately. Hence, this Court is not inclined to entertain this petition and this Criminal original Petition is dismissed. However, the personal appearance of the second petitioner is dispensed with unless and until her appearance is



specifically required by an order of the Court. Consequently,
connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

+1cc to Mr.S.Balamurugan, Advocate Sr.No.91012

VSG

VB/SKN/RSK/SAR2/19/12/2017/2P/2C

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and

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