



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.15472 of 2017 and
CrI.M.P(MD).Nos.10280 and 10281 of 2017

1.Sivakumar @ Muthupandi
2.Mallammal

: Petitioners

-Vs-

Santhanalakshmi

: Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned private complaint in D.V.A.C.No.6 of 2017 pending on the file of learned Judicial Magistrate, Vilathikulam and to quash the same as illegal.

For Petitioners : Mr. R. Murugan

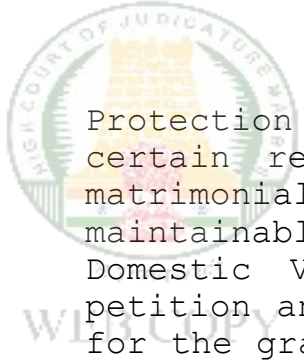
O R D E R

This petition is filed to call for the records relating to the impugned private complaint in D.V.A.C.No.6 of 2017, pending on the file of learned Judicial Magistrate, Vilathikulam and to quash the same as illegal.

2. The respondent preferred the private complaint alleging certain offences and filed the complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005. The prayer in the petition filed by the respondent is for return of Sethana Articles and for maintenance and for compensation for the Domestic Violence suffered by the respondent.

3. The learned counsel appearing for the petitioners states that the first petitioner, husband of the respondent has filed a petition for divorce as against the respondent and that this petition is nothing but counter blast to the petition filed by the first petitioner for divorce. It is further stated that a false complaint has been preferred by the respondent with an ulterior motive and to harass the petitioners.

4. Except the factual contentions raised by the learned counsel appearing for the petitioners no other legal ground is raised to sustain the petition to quash the proceedings in D.V.A.C.No.6 of 2017, on the file of learned Judicial Magistrate, Vilathikulam. The



Protection of Women from Domestic Violence Act, 2005 contemplates certain reliefs for women, who are put to harassment in their matrimonial home. The relief claimed by the petitioners are maintainable under specific provisions of Protection of Women from Domestic Violence Act and the cause of action alleged in the petition and the veracity of facts that are stated in the petition for the grant of relief is a matter for trial, especially, when the domestic relationship between the petitioners and the respondent is not in dispute. Hence, this Court find no merits in the petition. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected CrI.M.P(MD).No.10280 of 2017 is closed.

5. However, the learned counsel appearing for the petitioners seek indulgence of this Court to dispense with the personal appearance of the petitioners. Having regard to the nature of the case pleaded by the parties and the fact that first petitioner is residing in abroad, this Court is inclined to dispense with the personal appearance of the petitioners unless and until their appearance is specifically required by an order of Court.

6. The learned Judicial Magistrate, Vilathikulam, shall decide the proceedings on merits un influenced by any of the observations made in this petition.

Sd/-
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Vilathikulam,
Tuticorin District

2.Do through the Chief Judicial Magistrate,
Tuticorin

+One cc to Mr.R.Murugan, Advocate, SR.No.87061

trp
RL/4C/2P/JC/SAR3/24/11/2017

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