



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.5470 of 2017

WEB COPY

Kuppusamy

... Petitioner/Respondent No.1

-Vs-

Radhika

...Respondent/Petitioner

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate Court No.I, Karur, to complete an enquiry in the case in D.V.No.01 of 2016 within the stipulated period.

For Petitioner
For Respondent

: Mr.G.Marimuthu
: Mr.M.Vevekananthan

O R D E R

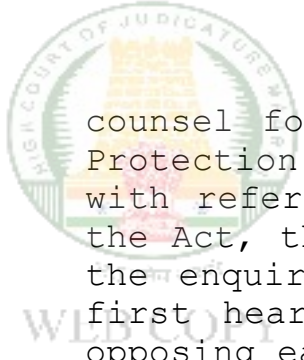
This Criminal Original petition is filed seeking a direction to the learned Judicial Magistrate No.I, Karur, to complete an enquiry in the case in D.V.No.01 of 2016 within the stipulated period.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The respondent/wife filed a petition in D.V.No.1 of 2016 before the Judicial Magistrate Court No.1, Karur, alleging Domestic Violence.

4. The learned counsel for the respondent submitted that there cannot be a direction of this Court, as in one occasion earlier in the proceedings, the learned Judicial Magistrate, Karur, set the petitioner an ex-parte as he did not appear without any reasonable cause and that the said order was not set aside. It was stoutly denied by the learned counsel for the petitioner.

5. According to the learned counsel for the petitioner, the respondent filed a petition for Maintenance in M.C.No.36 of 2015 on the file of the Chief Judicial Magistrate Court, Karur and that an ex-parte order was passed only in the said case. Subsequently, a petition was filed to set aside the ex-parte order and the proceedings were restored. In such circumstances, the learned



counsel for the petitioner also relied upon the provisions under Protection of Women from Domestic Violence Act and particularly, with reference to Section 12 of the Act. As per Section 12(5) of the Act, the learned Magistrate shall make an endeavour to dispose the enquiry within a period of sixty days from the date of its first hearing. It is surprising to note that the respondent is opposing early disposal.

6. In such circumstances, the objection raised by the learned counsel for the respondent does not appear to be *bonafide*. Since this Court is aware of the fact that the learned counsel represent sometime without instructions, this Court takes a lenient view.

7. Hence, the Criminal Original petition is allowed and the learned Judicial Magistrate No.I, Karur District, is directed to dispose of the proceedings in D.V.No.1 of 2016 within a period of two months from the date of receipt of a copy of this Order.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate Court No.I,
Karur.

2.Do through the Chief Judicial Magistrate,
Karur District

+One cc to Mr.M.Vivekanandan, Advocate, SR.No.67422

+One cc to Mr.G.Marimuthu, Advocate, SR.No.67062

pmu

RL/5C/2P/JC/SAR1/3/8/2017

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