



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.11.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WEB COPY

CRL.O.P.(MD).No.7825 of 2017

and

CRL.M.P.(MD) Nos.5341 and 5342 of 2017

1.R.Saravanakumar
2.Gangadevi
3.Ravichandrabose
4.Rajeshkumar

...Petitioners / Respondents

Vs.

Sankaragomathy

...Respondent / Petitioner

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records relates to the D.V.A.O.P.No.8 of 2017 pending on the file of the learned Judicial Magistrate No.V, Tirunelveli and quash the same.

For Petitioners :Mr.S.Siva Ilayaraja
For Respondent :Mr. P.Pethu Rajesh

O R D E R

This petition is filed to quash the proceedings in D.V.A.O.P.No.8 of 2017, on the file of the learned Judicial Magistrate No.V, Tirunelveli.

2.The first petitioner is the husband and the petitioners 2 to 4 are the in-laws of the respondent. The respondent filed D.V.A.O.P.No.8 of 2017, before the Judicial Magistrate No.V, Tirunelveli, under Section 12 of Protection of Women from Domestic Violence Act, for some reliefs which are provided under the Act. The respondent / wife has prayed for (a) protection from Domestic Violence (b) for proper support in respect of her residential rent (c) for maintenance at the rate of Rs.10,000/- per month (d) for award of compensation to the tune of Rs.5,00,000/- for domestic violence and for return of seethana articles and then for protection to the respondent from the petitioners. It is not in dispute that the reliefs are provided under the said Act for women who suffer domestic violence in the matrimonial home or in their place of residence with relatives.

<https://hcservices.ecourts.gov.in/hcservices> Learned counsel for the petitioners states that the petition filed for maintenance by the first petitioner's wife is not sustainable and she has already filed a petition for



maintenance under Section 125 of Cr.P.C. in M.C.No.2 of 2017 and that some orders are also passed in that proceedings. It is stated that the same set of allegations made in the maintenance petitions have also been stated in D.V.A.O.P.No.8 of 2017.

4. With regard to the maintainability of the petition before the lower Court there is cause of action and no other legal submission is made by the petitioners.

5. The truth or otherwise of the allegations, made in the petition, the entitlement of the claim under Section 12 of the said Act, can be gone into only at the time of trial. This Court is not in a position to entertain this petition to quash the proceedings in D.V.A.O.P.No.8 of 2017, which is pending before the learned Judicial Magistrate No. V, Tirunelveli.

6. As a result this petition is dismissed, as devoid of any merit.

7. The learned counsel for the petitioners seek indulgence of this Court to dispense with the presence of the petitioners No. 2 to 4 before the lower Court.

8. The said submission was seriously opposed by the learned counsel for the respondent.

9. Hence, it is open to the petitioners to file appropriate petition before the lower Court.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.V,
Tirunelveli.

+1cc to Mr.P.PETHU RAJESH, Advocate, SR. 87821

+1cc to Mr.S.SIVA ILAYARAJA, Advocate, SR. 88012

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