



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.(MD) No.364 of 2016

and

Crl.M.P(MD)Nos.4539 and 11065 of 2016

Velladuraipandian

... Petitioner

Vs.

1.Minor Vaishnavi Praba

2.Minor Gowtham Athithiya

3.Pandimeena

(Respondents 1 and 2 represented

by their mother and natural guardian,

the third respondent herein)

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records and to set aside the order dated 20.04.2016 in Cr.M.P.No.2585 of 2016 in Cr.M.P.No.139 of 2016 in M.C.No.2 of 2016 on the file of the learned Judicial Magistrate, Sivakasi and allow the revision case as prayed for.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.P.Venkatasubramanian

ORDER

The respondents herein as petitioners have filed a petition under Section 23 (2) of the Protection of Women from Domestic Violence Act, 2005 wherein the trial Court has passed exparte interim order. Subsequently, the petitioner has filed a petition to set aside the exparte interim order. The trial Court has dismissed the said petition filed by the petitioner. Challenging the same, the present Criminal Revision Case has been filed.

2.The petitioner cannot maintain the petition under Section 25 (2) of the said Act against the exparte interim order passed by the trial Court and his only remedy is to file an appeal before the competent forum.

<https://hcservices.ecourts.gov.in/hcservices/> In the above circumstances, the Criminal Revision Case is dismissed as withdrawn giving liberty to the petitioner to file an



appeal before the competent forum, within a period of four weeks from the date of receipt of a copy of this order. On filing such petition, the Court below is directed to consider the same taking into account the pendency of the revision filed before this Court. Consequently, CrI.M.P(MD)Nos.4539 and 11065 of 2016 are closed.

WEB COPY

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Sivakasi.

Copy to:

The Record Clerk,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Pon Ramkumar, Advocate in SR.No.63863

sms

AE/MR KKR/SAR3/18.07.2017/2P/4C

CrI.R.C.(MD) No.364 of 2016
and
CrI.M.P(MD)Nos.4539 and 11065 of 2016
06.07.2017