

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.07.2017

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**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN****Cr1.R.C (MD) .No.756 of of 2016****and****CRL.M.P (MD) No.5725 of 2017**

1.Senthilkumar

2.Jeyanthi

... Petitioners/Appellants No.1 and 2/  
Respondents No.1 and 2

-Vs-

1. Madhumidha

... Respondent/Respondent/Complainant

2. The Inspector of Police,

Thisaiyanvilai Police Station,

Tirunelveli District.

....Respondent/Respondent/Respondent

**Prayer:** Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to call for the entire records pertaining to the order passed by the learned IV Additional Sessions Judge, Tirunelveli in C.A.No.60 of 2016 vide his order dated 24.10.2016 as well as the order passed by the learned District Munsif cum Judicial Magistrate, Nanguneri, Tirunelveli District in Cr.M.P.No.7310 of 2016 in D.V.C.No.5 of 2016 vide order dated 15.09.2016 and to set aside the same.

For Petitioner : M/s.R.Anand.

For Respondent-1 : Mrs.Jessi Jeeva Priya,  
for Mr.N.Subramanian.For Respondent-2 : Mr.C.Mayilvahana Rajendran,  
Additional Public Prosecutor.**O R D E R**

This revision has been filed against the order granting ad-interim injunction against this petitioners restraining them from committing any form of domestic violence and to permit the Respondent to reside in the shared house-hold.



The first respondent herein filed a Petition under Section 23 of the Domestic Violence Act against the Petitioners herein and others, who are the brother in law and his wife, seeking various reliefs. Pending application, she has filed an interim application seeking an order for shared house-hold. The Court below also granted an order of ad-interim injunction restraining the Petitioners from committing any form of domestic violence and not to interfere with the shared house-hold. Challenging the above order the Petitioners filed an appeal in Criminal Appeal No.60 of 2016. The lower appellate Court dismissed the said appeal. Challenging the same, the present revision is filed.

3.I have heard Mr.R.Anand, learned counsel for the Petitioners and Mrs.Jessi Jeeva Priya, learned counsel for the first respondent and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the second respondent and considered the materials placed on record.

4.Admittedly, the revision has been filed against an interim order, pending Domestic Violence Act Case. The above order has been passed under Section 23(2) of the Act. Against that order, the Petitioners have remedy under Section 25(2) of the Act to seek for modification of the order.

5.In the above circumstances, this Criminal Revision Case is disposed of, giving liberty to the Petitioners to approach the Court below for filing necessary application to set aside or to vacate the interim order of injunction. The Petitioners are also directed to file such application within a period of two weeks from the date of receipt of a copy of this order. On filing such application, the trial Court is directed to consider the said application and pass suitable orders on merits and in accordance with law within a period of three weeks thereafter. The interim order passed by this Court earlier is extended till the disposal of the application filed by the Petitioners. If the Petitioners failed to file such application within two weeks as stated above, interim order granted by this Court shall stand automatically vacated. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The IV Additional Sessions Judge,  
Tirunelveli.



2. The District Munsif cum Judicial Magistrate,  
Nanguneri,  
Tirunelveli District.

3. The Inspector of Police,  
Thisaiyanvilai Police Station,  
Tirunelveli District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to M/S. N.SUBRAMANIAN, Advocate, SR.No.66466.

Crl.R.C (MD) .No.756 of of 2016  
and  
CRL.M.P (MD) No.5725 of 2017  
19.07.2017

vsn

SDS/SKN:RSK/SAR 3/20.07.2017/3P/6C