



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.04.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.4951 of 2017

and

CrI.M.P. (MD) Nos.3500 and 3501 of 2017

1.Mookandi Bose
2.Tirumani Selvi
3.Athiban Bose

: Petitioners

Vs.

N.Ranjini

: Respondent

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to D.V.No.39 of 2016 filed by the respondent before the learned Judicial Magistrate No.I, Thoothukudi and quash the same as illegal.

For Petitioners

: Mr.V.Rajiv Rufus

O R D E R

It is the case of Ranjini that she got married to Arul Murugan on 26.01.2015 and their marriage ran into rough weather resulting in Arul Murugan initiating divorce proceedings against Ranjini, in H.M.O.P.No.198 of 2015 before the Sub Court, Thoothukudi. While so, the respondent has initiated proceedings under the Domestic Violence Act in D.V.No.39 of 2016 against Arul Murugan and three others, challenging which, Arul Murugan's parents and brother are before this Court.

2. Heard Mr.V.Rajiv Rufus, learned counsel for the petitioners.

3. Mr.V.Rajiv Rufus, learned counsel for the petitioners, submitted that Ranjini is visually challenged and the same was suppressed and the marriage was performed. In this connection, Arul Murugan has also initiated divorce proceedings against Ranjini and aggrieved by which, Ranjini has launched the present proceedings as a counter-blast. He also submitted that the petitioners are not living with her son-Arul Murugan as they are living in Madurai, but, whereas, Arul Murugan is residing in



4. This Court gave its anxious consideration to the submission made by the learned counsel for the petitioners.

5. Under Section 36 of the Protection of Women from Domestic Violence Act, 2005, the proceedings of the Act shall not be in derogation to the provisions of any other law. Therefore, just because, Arul Murugan has initiated divorce proceedings, the present proceedings cannot be quashed, when there are *prima facie* materials as against the petitioners. The fact remains that Ranjini is visually challenged and she is before the Trial Court pleading economic assistance for her maintenance. Under such circumstances, this is not a fit case to interfere under Section 482 of the Code of Criminal Procedure, when there is a disputed question of fact.

6. In the result, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all the points before the Trial Court. However, taking into consideration the age of the petitioners, the petitioners are directed to appear before the Trial Court, within a period of two weeks from the date of receipt of a copy of this order and furnish a bond under Section 88 Cr.P.C. for Rs.5,000/- (Rupees Five Thousand only) without sureties to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi. Thereafter, their presence before the Trial Court is dispensed with on condition that they shall engage an advocate, who shall cross-examine the prosecution witnesses on the day they are examined in chief, in their absence without adopting dilatory tactics. As and when the presence of the petitioners is essential, the Trial Court shall order notice to the counsel on record for the petitioners for their appearance. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To
The Judicial Magistrate No.I,
Thoothukudi.
+1cc to Mr.V.Rajiv Rufus, Advocate, SR.53562

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