

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.10.2018

Pronounced on : 22.11.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.11270 of 2016

and

CRL.MP.Nos.5756 & 5757 of 2016

and

CRL.MP.SR.No.48825 of 2018

1.A. Senthil Maharaj

2.A. Shanmugavadivel

3.A. Arumugasamy

...Petitioners/Respondents

Vs.

K.Kanchana Krishnan

... Respondent/Aggrieved person

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in DVC.No.10 of 2016 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.R.S.Mangala Kumar

For Respondents : M/s.Auxilia Peter

O R D E R

This Criminal Original Petition has been filed by the respondents in DVC.No.10 of 2016 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai to quash the proceedings against them in the above DVC.

2. The respondent herein has filed an application alleging that the marriage between the first petitioner and the respondent was solemnised on 09.09.1996 at Hotel Park Sheraton, Adyar, Chennai as per Hindu Rites and Customs and the said Marriage was an arranged marriage. The respondent's father had spent Rs.30 lakhs for the marriage and gifted sreedhana articles which were sent in two lorries to the matrimonial house. The respondent's father also gifted 100 sovereign of gold jewels and 15 kgs of silver to the first petitioner. The first petitioner demanded diamond jewellery and an Opel Astra car. Apart from that, one lorry load of sreedhana articles from Delhi

and one lorry load of things from Chennai were given and all the aforesaid articles are in the houses of Kothagiri and Coimbatore. The respondent had no worries of not having a child but the first petitioner took the respondent for treatment to a Gynaecologist in Coimbatore. The treatment had induced tension and various side effects in the respondent's body. The fact that they did not have the child is the first cause for the first petitioner to inflict physical and mental cruelty on the respondent. The first petitioner did this because he wanted to give his property to his child and not to his brother's children. He always threatened to adopt a child, so the respondent had to oblige and go for treatment. A female child was born on 25.02.2004 at Sri RamaKrishna Hospital, Coimbatore named as Ananya Maharaj who is at present studying in DAV school and in care and custody of the respondent. After the birth of the child, the first petitioner beat the respondent and took her to the police station along with her child and called one of his brothers, second petitioner herein who is an advocate in Coimbatore made him called the respondent's parents from Chennai. The first petitioner threatened the respondent's parents that he would shoot both the respondent and her child if they did not come to Coimbatore and take away the respondent and her child. The respondent called her parents and asked them not to come but the first petitioner sent his another brother, third respondent herein who was then the Registrar in High Court, Madras and asked him to buy flight ticket for her parents and made them to leave Chennai next day morning. Thinking that the first petitioner would abuse and humiliate the respondent's parents in front of the respondent, she left the place and self-driven the car to Madurai along with her child and a maid servant by name Susila and stayed in a hotel and the respondent kept calling her sister in Chennai to find out what was going on in Coimbatore. The first petitioner refused to let the respondent into the house and did not want the respondent to return to Coimbatore and hence she came to Chennai and only thereafter, the first petitioner released the respondent's parents from Coimbatore. The first petitioner never gave hopes to the respondent to come back to Coimbatore. The first petitioner started to abuse the respondent mentally and tortured the respondent that he did not give money to the respondent for maintenance. Since the first petitioner sent a police friend Sabapathy and his wife from Coimbatore to mediate the respondent, she went back to Coimbatore and lived there for few months but the first petitioner again abused her.

3. The first petitioner had driven the respondent from his house in the month of June 2011 without any financial support and the respondent came to her parents house and stayed there till now. On 31.12.2010, the respondent's father died and thereafter, the respondent is not having any financial support.

The first petitioner is financially well and he owns various properties in and around Coimbatore and he is the owner of Arthanareeswarar Bus Transport which has, fleet of buses plying to various places. He is having properties worth more than 75 Crores. But he never bothered to maintain the respondent and her child. The respondent had suffered enough cruelties at the hands of the first petitioner. Hence the respondent strongly feels that she cannot live under the same roof with the first petitioner as the respondent's life is in danger. The first petitioner has initially paid for the respondent's bungalow for one year and maintenance for three years and now for the past 4½ years he stopped the said payment. He filed a petition for restitution of conjugal rights. The respondent has filed a petition for divorce before the Principal Family Court, Chennai in O.P.No.1967 of 2015. Though the first petitioner is earning nearly 30 lakhs per month, he is not giving money to the respondent and her child. The petitioners are from a very affluent family and the respondent feels threatened and she should be granted protection order. The petitioners 2 and 3 are instigating the first petitioner to inflict cruelties on the respondent and hence she prayed following reliefs:

a. grant a protection order to the petitioner from all the domestic violence caused by the respondents, and ;

b. direct the first respondent to pay compensation of Rs.25,00,00,000/- (Rupees Twenty Five Crores only) towards the Domestic Violence inflicted on the petitioner by the respondent's, and ;

c. direct the first respondent to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as interim Maintenance per month for petitioner and petitioner's daughter, and ;

d. direct the first respondent to return all petitioner's gold and diamond jewels, money, car, and ;

e. restrain the respondents from alienating the properties at Race Course Complex, House, Buses Farmlands, Tea garden and the house in Kotagiri."

4. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai, has taken the case on file in DVC.No.10 of 2016 and issued notice to the petitioners herein. After receipt of the notice, the petitioners herein have filed the present petition under Section 482 Cr.P.C., to quash the proceedings against them.

5. According to the petitioners, the respondent left the matrimonial home in the year 2006 and thereafter settled in her parents' house at Chennai along with the child and thereafter,

she did not return to the matrimonial home and that on 16.04.2006, she had sent a letter to the first petitioner stating that she had quit the matrimonial home and she is not interested in the matrimonial relationship. Hence, the first petitioner filed a petition for restitution of conjugal rights in FCOP.No.3564 of 2011 on the file of the Principal Family Court, Chennai and also filed two interlocutory applications in I.A.Nos.3026 of 2011 and 681 of 2013 seeking visitation rights of the child and also to permit the first petitioner to admit the minor daughter Ananya Maharaj into an International Residential School at Ooty. The respondent herein also filed an application in I.A.No.272 of 2012 claiming a monthly maintenance of Rs.1,00,000/- and a sum of Rs.2,00,000/- as litigation expenses. The family Court Judge by the order dated 16.05.2013 has allowed the I.A.No.3026 of 2011 with regard to visitation rights. However, he dismissed the I.A.No.681 of 2013 with regard to admitting the child in a Boarding School. In I.A.No.272 of 2012, it was ordered that the first petitioner herein has to pay Rs.30,000/- as a monthly maintenance and a sum of Rs.10,000/- as litigation expenses and from that date onwards, the first petitioner is paying the said maintenance amount without any default. The family court has allowed the said FCOP No.3564 of 2011 on 24.03.2014 and even thereafter, the respondent not turned up. The respondent never permitted the first petitioner to meet his child and threatened him if he tried to meet the child, she will murder the child and commit suicide of herself. Hence the first petitioner has lodged a complaint on 08.02.2012 before the Royapeta Police Station. Further, the first petitioner has filed O.P.No.293 of 2014 before this court and filed interlocutory applications in I.A.Nos.2923 and 3106 of 2014 with regard to the visitation rights of his child. This court has passed an order on 03.07.2014 allowing the first petitioner to visit his child and have custody of the same during holidays and school vacations. Suppressing the aforesaid facts, the respondent has filed a petition seeking divorce in FCOP.No.1967 of 2015 on the file of the Principal Family Court, Chennai and the same was dismissed. Thereafter with a view to harass the first petitioner and his brothers, the respondent has filed DVC.No.10 of 2016 on the file of the XVIII Metropolitan Magistrate, Saidapet. Their further case is that the petitioners have not committed any domestic violence. The petitioners 2 and 3 are not at all residing in a shared household. Therefore, the provisions of the Domestic Violence Act will not attract.

6. The respondent has filed a counter affidavit denying the allegations made in the petition. She has reiterated the allegations made in the application filed under Section 12 of the Domestic Violence Act.(herein after referred to as DV Act). She further stated that she is a cancer survivor with a teenage

daughter with no proper accommodation or maintenance and hence she prayed to dismiss the above petition.

7. Learned counsel for the petitioners has submitted that the respondent has left the matrimonial home in the year 2006 and permanently settled in her parents' house at Chennai along with her child. He further submitted that in the application filed in I.A.No.272 of 2012 in FCOP.No.3564 of 2011 on the file of the Principal Family Court, Chennai, the respondent herein has claimed maintenance of Rs.1,00,000/- p.m., and Rs.2,00,000/- as litigation expenses. In the said application, she has not at all stated anything about the alleged domestic violence. He further submitted that subsequently she filed FCOP.No.1967 of 2015 seeking divorce and in that petition also, she has not stated that the petitioners herein have committed any domestic violence. He further submitted that in the application which was filed under Section 12 of the Domestic Violence Act, the respondent herein has not stated that the petitioners 2 and 3 also lived in a shared household. He further submitted that even if the allegations made in the said petition are taken as true, it cannot be said that the petitioners 2 and 3 have committed domestic violence and therefore, he prayed to quash the proceedings against the petitioners herein. He also filed written arguments.

8. Per contra, learned counsel for the respondent has submitted that in the letter dated 16.04.2006 itself, the respondent has clearly stated that the first petitioner has committed domestic violence. She further submitted that in the petition filed under Section 12 of the Domestic Violence Act, the address for the petitioners herein has been shown as No.114, Race Course, Coimbatore and the same address has been given in this quash petition also by the petitioners herein and it shows that all the petitioners are residing in the same house. She further submitted that on 08.07.2006, when the respondent went to a shop for purchasing, the first petitioner herein took her to the police station along with the child and called one of his brothers, the second petitioner herein who is a practising Advocate at Coimbatore called the respondent's parents from Chennai to come over to Coimbatore and take the respondent and the child to Chennai. She further submitted that the respondent asked her parents not to come to Coimbatore and hence the first petitioner called another brother, third petitioner, who was then the Registrar of this court and asked him to buy flight tickets for respondent's parents and made them to leave Chennai next day morning. She further submitted that the third petitioner bought flight ticket for the respondent's parents and forced them to go to Coimbatore from Chennai. She further submitted that since the first petitioner compelled the respondent to leave matrimonial home, she left the matrimonial home and hence the petitioners have committed domestic violence.

She further submitted that even though the first petitioner is having various properties in and around Coimbatore and also operating buses and owned commercial complex, he neglected to maintain the respondent and her child and hence, the respondent is entitled to ask compensation of Rs.25 Crores and maintenance of Rs.10,00,000/- p.m., for her and her daughter. She further submitted that at the time of marriage, the respondent's father gave hundred sovereigns of gold jewels, diamond jewels, silver articles, a car and other furnitures and they are now in the first petitioner's house. She further submitted that with a view to not to give any property or money to the respondent and her child, the petitioners are trying to alienate the properties. She further submitted that on the petitions filed by the respondent herein, FCOP Nos.3564 of 2011 and 1967 of 2015 are restored to file and now they are pending before the Principal Family Court, Chennai. She further submitted that the respondent has made out a prima facie case to proceed against the petitioners under the D.V.Act and therefore, she prayed to dismiss the above petition.

9. Learned counsel for the respondent in support of her contentions, relied upon the following decisions :

1. Indra Sarma Vs. V.K.V. Sarma (2013) 15 SCC 755
2. S.R.Batra and another Vs. Taruna Batra (2007) (3) SCC 169
3. Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori and another 2014 (10) SCC 736
4. Krishna Bhattacharjee Vs. Sarathi Choudhury and another (2016) (2) SCC 705
5. Smt. Sabana @ Chandbai and another Vs. Mohd. Talib Ali and another 2014 (1) CrI.CC.592

10. The learned counsel for the petitioners by way of reply has submitted that the petitioners 2 and 3 are not actually residing with the first petitioner. He further submitted that since in the application filed by the respondent under Section 12 of the Act, the address for the petitioners has been given as Door No.114, Race Course, Coimbatore, the same address has been given in this petition also or otherwise, the Registry would not have numbered the petition as address differed from the application filed before the trial court. He further submitted that in the application filed u/s.12 of the DV Act, the respondent has not at all stated that the respondent was residing with the petitioners 2 and 3 herein in a shared household at any point of time and therefore, merely because in the cause title, the same address has been given in the petition, it cannot be said that all of them are residing under one roof and therefore, the provisions of the D.V. Act will not attract for the petitioners 2 and 3.

11. In Indra Sarma Vs. V.K.V. Sarma (supra), the Hon'ble Supreme Court dealt with the question whether "live-in

relationship" would amount to a "relationship in the nature of marriage" falling within the definition of "domestic relationship" u/s.2 (f) of the Protection of Women from Domestic Violence Act, 2005 and the disruption of such a relationship by failure to maintain a woman involved in such a relationship amounts to "Domestic Violence" within the meaning of Section 3 of the D.V.Act. In the instant case, no such question is involved and therefore, the aforesaid decision will not apply to the facts of this case.

12. In S.R.Batra and another Vs. Taruna Batra (supra), the Hon'ble Supreme Court in paragraph Nos.24 to 30 has observed as follows:-

"24. Learned counsel for the respondent Smt. Taruna Batra stated that the definition of shared household includes a household where the person aggrieved lives or at any stage had lived in a domestic relationship. He contended that since admittedly the respondent had lived in the property in question in the past, hence the said property is her shared household.

25. We cannot agree with this submission.

26. If the aforesaid submission is accepted, then it will mean that wherever the husband and wife lived together in the past that property becomes a shared household. It is quite possible that the husband and wife may have lived together in dozens of places e.g. with the husband's father, husband's paternal grand parents, his maternal parents, uncles, aunts, brothers, sisters, nephews, nieces etc. If the interpretation canvassed by the learned counsel for the respondent is accepted, all these houses of the husband's relatives will be shared households and the wife can well insist in living in the all these houses of her husband's relatives merely because she had stayed with her husband for some time in those houses in the past. Such a view would lead to chaos and would be absurd.

27. It is well settled that any interpretation which leads to absurdity should not be accepted.

28. Learned counsel for the respondent Smt Taruna Batra has relied upon Section 19(1)(f) of the Act and claimed that she should be given an

alternative accommodation. In our opinion, the claim for alternative accommodation can only be made against the husband and not against the husband's in-laws or other relatives.

29. As regards Section 17(1) of the Act, in our opinion the wife is only entitled to claim a right to residence in a shared household, and a 'shared household' would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. The property in question in the present case neither belongs to Amit Batra nor was it taken on rent by him nor is it a joint family property of which the husband Amit Batra is a member. It is the exclusive property of appellant No. 2, mother of Amit Batra. Hence it cannot be called a 'shared household'.

30. No doubt, the definition of 'shared household' in Section 2(s) of the Act is not very happily worded, and appears to be the result of clumsy drafting, but we have to give it an interpretation which is sensible and which does not lead to chaos in society".

From the aforesaid decision, it is clear that the definition of the shared household in Section 2 (s) of the D.V.Act is not very happily worded and hence, the Hon'ble Supreme Court has interpreted the said definition and held that the shared household would only mean the house belonging or taken on rent by the husband or the house which belongs to the joint family of which the husband is a member.

13. In Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori and another (supra) in paragraph No.31, the Hon'ble Supreme Court has observed as follows:

"31. An act of domestic violence once committed, subsequent decree of divorce will not absolve the liability of the respondent from the offence committed or to deny the benefit to which the aggrieved person is entitled under the Domestic Violence Act, 2005 including monetary relief under Section 22 and interim or ex parte order under Section 23 of the Domestic Violence Act, 2005."

From the aforesaid decision, it is clear that the act of Domestic Violence once committed, the subsequent decree of divorce will not absolve the liability of the respondent from

the act already committed.

14. In Krishna Bhattacharjee Vs. Sarathi Choudhury and another (supra), the Hon'ble Supreme Court has held that once the decree of divorce is passed, the status of the parties becomes different, but that is not so when there is a decree for judicial separation.

15. In Smt. Sabana @ Chandbai and another Vs. Mohd. Talib Ali (supra), a Division Bench of the Rajasthan High Court in paragraph No.49 has observed as follows:

"49. Lastly, coming to the contention of the learned counsel for the respondent that as per provisions of Section 28, the proceedings under the Act are governed by the provisions of Criminal Procedure Code and therefore, the same has to be treated to be criminal proceedings. It is pertinent to note that the Act has been enacted by the legislature with the sole object to provide a remedy in the civil law for protection of women from being victims of domestic violence and to prevent the occurrence of the domestic violence in the society. As noticed above, the proceedings before the Magistrate under Section 12 of the Act for the reliefs as provided for under Section 18 to 22 of the Act are remedial in nature which fall in the realm of civil law and by no stretch of imagination, the proceedings under Section 12 of the Act could be considered to be criminal proceedings. Of course, the provisions of Cr.P.C. are made applicable to the proceedings under the Act, but a bare perusal of Section 28 reveals that a clear distinction has been drawn in the proceedings under Section 12 and Sub-Section (2) of Section 23 and the proceedings for offences under Section 31 & 33 of the Act, obviously, for the reason that the remedy as provided under Section 12 for the reliefs to be claimed in terms of Section 18 to 23 are not the penal proceedings whereas, the proceedings initiated under Section 31 & 33 are penal proceedings inasmuch as, the breach of protection order and failure on the part of Protection Officer in discharging the duties as directed by the Magistrate in the protection order without any sufficient cause, are the offences entailing penal consequences in terms of the said provisions. It is also pertinent to note that apart from the applicability of the provisions of Cr.P.C., by virtue of sub-section (2) of Section 28, for the disposal of an application under Section 12 or under sub-section (2) of Section 23, the

provisions of Section 28 shall not prevent the court from laying down its own procedure. In this view of the matter, in our considered opinion, the proceedings under the provisions of Section 12 and 18 to 23 cannot be considered to be the proceedings in criminal law."

16. The learned counsel for the respondent, relying on the aforesaid observation made by the Division Bench of the Rajasthan High Court, has contended that since the proceedings under Section 12 of the Domestic Violence Act cannot be considered as criminal proceedings, the petition u/s.482 Cr.P.C., is not maintainable. It is to be pointed out that in the aforesaid decision though it is stated that the reliefs under the Domestic Violence Act are remedial in nature which falls in a realm of civil law and it could not be considered to be criminal proceedings, it is also stated that the provisions of Cr.P.C are made applicable to the proceedings under D.V.Act. So, once the provisions of Cr.P.C., are applicable to the proceedings under the D.V.Act, the petition u/s. 482 Cr.P.C., is maintainable. Therefore, the aforesaid contention of the learned counsel for the respondent that the petition u/s.482 Cr.P.C., is not maintainable, cannot be accepted.

17. First let us consider the case of the petitioners 2 and 3. According to them, in the application filed under Section 12 of the Domestic Violence Act, nothing has been stated that their act would amount to domestic violence. A perusal of the application filed under Section 12 of the D.V.Act shows that the entire allegations made only against the first petitioner. In so far as the petitioners 2 and 3 are concerned, the only allegation made against them is mentioned in paragraph No.14 of the petition which reads as follows:

"The petitioner further states that the first respondent beat the petitioner up along with the one year old girl child while the petitioner was shopping for her clothes, the first respondent took the petitioner to the police station, he called for one of his brother second respondent herein called Shanmugam who is an Advocate, in Coimbatore and made him call the petitioner's parents in Chennai. The first respondent threatened the petitioner's parents that the first respondent would shoot both the petitioner and her child, if they did not come to Coimbatore and take away petitioner and her child. The petitioner called her parents asked them not to come but the first respondent sent his another brother third respondent herein called Arumugasamy

who was then the Registrar in Chennai High Court asked him to buy flight ticket for petitioner's parents and made them to leave Chennai next day morning."

From the reading of the aforesaid averments, it cannot be said that the petitioners 2 and 3 have committed any domestic violence as defined under Section 3 of the Domestic Violence Act.

18. In so far as the second petitioner is concerned, the allegation made against him is that the first petitioner called one of his brothers, the second petitioner herein who is an advocate in Coimbatore and made him to call the respondent's parents in Chennai. She has not stated that what the second petitioner has told the parents of the respondent. Merely because he has called her parents, it cannot be said that he has committed domestic violence.

19. In so far as the third petitioner is concerned, the allegation made against him is that the first petitioner called the third petitioner who was then the Registrar in this court asked him to buy flight ticket for her parents and made them to leave Chennai next day morning. Even if the aforesaid allegation is taken as true, it cannot be said that he has committed domestic violence.

20. It is also to be pointed out that in the domestic incident report in paragraph No.4, it is stated that the domestic violence took place in the month of April, 2011 and the domestic violence committed only by her husband i.e., the first petitioner herein. In the said report, it is not stated that the petitioners 2 and 3 have committed any domestic violence. It is also to be pointed out that in the application filed u/s.12 of the D.V.Act, the respondent has stated that the petitioners 2 and 3 have helped the first petitioner and called her parents to Coimbatore and the said incident took place when the child was one year old. From the averments made in the said petition, it is clear that the child was born on 25.02.2004 and if the aforesaid incident took place within one year, that should be in the year 2005 but in the domestic incident report, it is stated that the domestic violence took place in the month of April, 2011 and that the said domestic violence committed by the first petitioner alone. So, it is clear that the proceedings against the petitioners 2 and 3 initiated under the D.V.Act would amount to abuse of the process of court.

21. It is also to be pointed out that in the cause-title mentioned in the application filed u/s.12 of Domestic Violence Act that all the petitioners herein are residing in D.No.114, Race Course, Coimbatore. But in the body of the application,

nowhere it is stated that the respondent herein was lived with all the petitioners in a shared household. As held by the Hon'ble Supreme Court in S.R.Batra and another Vs. Taruna Batra (supra), the shared household would only mean a house belonging to or taken on rent by the husband or the house which belongs to the joint family of which the husband is a member. In this case, the respondent herein has not stated in her application filed under Section 12 of the Domestic Violence Act that her husband (first petitioner) is living with other petitioners as a member of joint family. A Perusal of the said application would show that the first petitioner is living separately and already he separated from the joint family and he is owning separate properties and therefore, it cannot be said that the house which belongs to the first petitioner comes under the definition of a shared house hold in which the petitioners 2 and 3 also residing. For attracting provisions of D.V.Act, the foremost condition is that the aggrieved person and the respondent should have resided in a shared household. In this case, admittedly the petitioners 2 and 3 are not residing or resided with the respondent in a shared household at any point of time. Therefore, in so far as the petitioners 2 and 3 are concerned, the provisions of the D.V.Act would not attract.

22. In the application filed under Section 12 of the D.V.Act, the respondent has stated in paragraph No.31 that the petitioners 2 and 3 are instigating the first petitioner to inflict cruelties on her. For this allegation also, the respondent has not produced any material. Except the aforesaid bald and vague allegation, no other material is produced to show that the respondent can proceed against the petitioners 2 and 3 under the D.V.Act. Therefore, this court is of the view that the continuance of the proceedings against the petitioners 2 and 3 would amount to abuse of the process of court and hence the proceedings against them have to be quashed.

23. In so far as the first petitioner is concerned, the respondent has stated in her petition that the first petitioner has caused cruelties both mentally and physically. Further, she has stated that the sreedhana articles are only with the first petitioner. Further, the petition filed by the first petitioner for restitution of conjugal rights and the petition filed by the respondent for divorce are restored to the file and they are still pending before the Principal Family Court, Chennai. Therefore this court is of the view that a prima facie case is made out against the first petitioner to proceed under the D.V.Act.

24. For the aforesaid reasons, this petition is allowed in respect of the petitioners 2 and 3. Hence the proceedings against the petitioners 2 and 3 in DVC.No.10 of 2016 on the file

of the XVIII Metropolitan Magistrate, Saidapet, Chennai, are quashed. In so far as the first petitioner is concerned, the petition is dismissed. Consequently, connected miscellaneous petitions are closed. It is open to him to contest the above Domestic Violence Case before the trial court.

25. The respondent has filed a petition in CrI.MP.SR.No.48825 of 2018 to defer the hearing of this criminal original petition till the disposal of the Original Petition Nos.3564 of 2011 and 1967 of 2015, before the Family Court. The Registry has posted the said petition for maintainability. The learned counsel for the respondent has argued in the main Original Petition itself and the main petition itself is being disposed of. Hence, the petition in CrI.MP.SR.No.48825 of 2018 has become infructuous and accordingly, the same is also closed.

26. Considering the fact that the first petitioner is a resident of Coimbatore and DVC.No.10 of 2016 is pending before the XVIII Metropolitan Magistrate Court at Chennai, it will be very difficult for him to appear before the said court for each and every hearing. Hence his personal appearance before the trial court is dispensed with. He has to appear before the trial court as and when required by the trial court.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The Section Officer, सतयमेव जयते
V.R.Section, High Court, Madras.(2 Copies)

+1cc to Mr.R.S.Mangala Kumar, Advocate, S.R.No.79438

+1cc to Mr.Auxilia Peter, Advocate, S.R.No.80323(19/12/2018)

CrI.OP.No.11270 of 2016

and

CRL.MP.Nos.5756 & 5757 of 2016

and CRL.MP.SR.No.48825 of 2018

AD(Co)

CS/07/12/2018