

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.16091 of 2011

D.Rajkumar ...Petitioner/1st respondent

Vs.

1. Mrs.Monisha @ Arthi ...Respondent/Complainant

2. M.Dhanaraj

3. Mrs.Shantha Dhanaraj

4. Mrs.Rajeswari

5. M.Pushparaj

6. Rani Pushparaj

7. Saravana Kumar

...Respondents 2 to 7/
Respondents 2 to 7

Prayer:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue a direction calling for the records in D.V.A.No.15 of 2010, on the file of the learned Judicial Magistrate No.VI, Coimbatore and quash the same.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

The petitioner is the 1st respondent on the private complaint filed by the respondent/wife against the petitioner and his family members which is pending trial in D.V.A.No.15 of 2010 on the file of the learned Judicial Magistrate No.VI, Coimbatore.

2. The 1st respondent/wife seeking for protection order before the Trial Court against the respondent to return the jewels given at the time of marriage of the petitioner and not to alienate any movable and immovable property of the petitioner and to pay a sum of Rs.20 Lakh as compensation and damage for the injuries including mental torture and emotional distress, caused by the act the petitioner has to pay a monthly payment of Rs.12,000/- towards maintenance. The 1st respondent marriage ceremony was solemnized on 15.02.2009 arranged by the elder members and the marriage proposal was through internet. Subsequent to the marriage he lived with the 1st respondent at Selaiyur, East Tambaram, Chennai. After two months, the first respondent picked up

unwanted quarrel with the petitioner and she left the petitioner and went to her parental house. After several stages of counselling and compromises by the elder members of both the families, the 1st respondent has failed to attend conciliation arrangements and thereafter, the petitioner had filed a petition for restitution of conjugal rights before the learned Sub Judge, Thiruppathur in H.M.O.P.No.29 of 2010 and the same was decreed in favour of the petitioner. The 1st respondent had filed the present application under D.V.Act and threatened the petitioner to withdraw the restitution petition. The 1st respondent had opened a bank account at Coimbatore to create Jurisdiction for Cause of Action. Though, the first respondent is working at Infosys Technology, Mahindra Industrial Park, Chengalpattu. Hence, on these grounds the petitioner had filed for quashing petition.

3. On going through the averments and on a perusal of the records, this Court feels that there are no grounds made out for quashing the petition. It is seen that the petitioner is the husband of the first respondent and the first respondent seeking for protection against him and there are rival

contentions between the petitioner and the first respondent which could not be decided in the quash petition. These facts has to be decided only during trial.

4. In view of the above submissions and facts, the quash petition stands dismissed.

01.10.2018

msm

Speaking Order: Yes/No

To

The Judicial Magistrate No.VI,
Coimbatore.



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M. NIRMAL KUMAR, J.

msm



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