

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No. 5060 of 2017

G.Shreyaashree

.. Petitioner

Vs

R.Chandra Mouli

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the learned II Additional Family Court, Chennai to number and dispose the petition filed by the petitioner under Section 12 r/w. 26 of Prevention of Women from Domestic Violence Act 2005 in accordance with law in O.P. No. 3179 of 2016.

For Petitioner : Mr.R.Srinivas

For Respondent : Mrs. Geeta Ramaseshan

O R D E R

The prayer in the present petition is to direct the learned II Additional Family Court, Chennai to number and dispose the petition filed by the petitioner under Section 12 r/w. 26 of Prevention of Women from Domestic Violence Act 2005 in accordance with law in O.P. No. 3179 of 2016.

2. Heard Mr.R.Srinivas, learned counsel appearing for the petitioner and Mrs. Geeta Ramaseshan, learned counsel appearing for the respondent.

3. In view of the enabling provision under Section 12 of the Protection of Women from Domestic Violence Act 2005, r/w Section 26 of the Domestic Violence Act, a petition seeking for relief under the Domestic Violence Act can be maintained before the Family Court also and hence the trial Court is directed to number the Interim Application filed by the petitioner.

4. At this juncture, the learned counsel appearing for the respondent raised objections, stating that since respondents 2 & 3 in the interim application are not parties to the main case,

seeking for restitution of conjugal rights and as such, the Interim Application may not be maintainable as against the respondents 2 and 3 therein.

5. In my view that, this aspect can be addressed before the trial Court, wherein the main case is pending and as such, liberty is granted to the respondent/husband to raise the question of maintainability of the Interim Application insofar as third parties namely 1. S.Ravindran and 2.Mrudhu Latha are concerned. The trial Court shall also endeavour to dispose of the said Interim Application as expeditiously as possible.

With the above observations and directions, the Criminal Original Petition stands disposed of

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
II Additional Family Court,
Chennai.

+lcc to Mrs.Geeta Ramaseshan, Advocate, S.R.No.21904
+lcc to Mr.R.Srinivas, Advocate, S.R.No.22661

Cr1.OP.No. 5060 of 2017

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