

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.10487 of 2018
and
Crl.M.P.Nos.5365 & 5366 of 2018

S.Karthik

...

Petitioner/Respondent

Vs.

R.Amala

...

Respondent/Petitioner

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C praying to call for the records relating in D.V.C.No.352/2017 on the file of Additional Mahila Court, Egmore, Chennai and quash the petitioner part.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in D.V.C.No.352/2017 on the file of the Additional Mahila Court, Egmore, Chennai and quash the part of the petitioner.

2.It is the case of the petitioner that the petitioner/Karthik got married to one Amala and they have got one child through their wedlock and on the ground of misunderstanding, their relationship got strained. Karthik has filed a petition in O.P.No.844 of 2016 for divorce, which is pending before the Family Court, Chennai. Amala has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 in D.V.C.No.352 of 2017 before the Additional Mahila Court, Egmore, Chennai claiming various reliefs, quashing which, Karthik is before this Court.

3. Heard, the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsel for the petitioner submitted that in the Divorce proceedings, which was initiated by Karthik, Amala has not raised any of the grounds that has been raised in the Domestic Violence Proceedings. In the opinion of this Court, the scope of enquiry in Domestic Violence case is different from the scope of enquiry for divorce. Admittedly, no amount is being paid to Amala and her child.

5. The learned counsel for the petitioner further submitted that the case may be referred to mediation for arriving at a settlement.

6. Accepting the submissions, since there are prima facie materials in the Domestic Violence petition that has been filed by Amala, the same cannot be quashed at the threshold. However, the Additional Mahila Court, Egmore, Chennai is directed to send the parties to the local Mediation Centre for arriving at an amicable settlement. The mediation proceedings shall be completed within two months from the date of reference by the Additional Mahila Court, Egmore, Chennai to the Mediation Centre.

7. In the mean time, the petitioner/Karthik is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) towards ad interim maintenance for the respondent and her child without prejudice to his rights in the case, to the credit of D.V.C.No.352 of 2017 on the file of the Additional Mahila Court, Egmore, Chennai before 5th of every English calendar month and on such deposit being made, the respondent will be entitled to withdraw the same. As regards the month of April 2018, the petitioner shall deposit a sum of Rs.5,000/- on or before 30.04.2018.

With the above direction, this Criminal Original petition is dismissed. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

cla

To

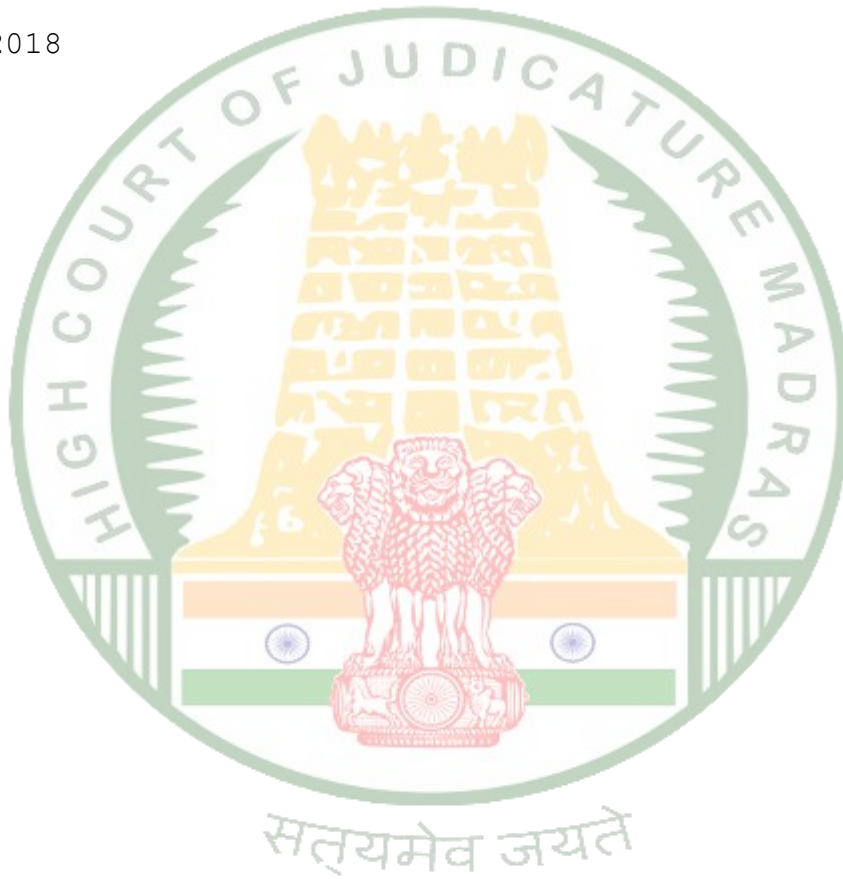
1. The Additional Mahila Court,
Egmore, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Mohammed Aseef, Advocate sr.no.25895

CrI.O.P.No.10487 of 2018
and
CrI.M.P.Nos.5365 & 5366 of 2018

sr(co)
nr 27/04/2018



WEB COPY