

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.10505 of 2018
and
Crl.MP.No.5384 of 2018

A.Kalaiselvan ... Petitioner/Respondent/
Respondent

vs.

J.Srividhya ... Respondent/Respondent/
Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to set aside the order dated 20.02.2018 passed in CMP.No.2743 of 2017 in DVC.No.89 of 2017 by the Additional Mahila Court, Egmore at Allikulam Complex, Chennai-3(FAC).

For petitioner : Mr.P.Rathanavel

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 20.02.2018 passed in CMP.No.2743 of 2017 in DVC.No.89 of 2017 by the Additional Mahila Court, Egmore at Allikulam Complex, Chennai-3(FAC).

2. The petitioner is facing a proceedings in DVC.No.89 of 2017 before the Additional Mahila Court, Egmore, on the application filed by his wife, J.Srividya. Srividya was examined as PW1 and she was also cross examined by the petitioner. Thereafter, Srividya filed a petition under Section 311 Cr.P.C to mark certain additional documents, which was numbered as CMP.No.2743 of 2018 in DVC.No.89 of 2017, and allowed by the trial Court on 20.02.2018, challenging which, Kalaiselvan is before this Court.

3. Mr.P.Rathanavel, learned counsel appearing for the petitioner / Kalaiselvan, submitted that the additional documents ought not to have been permitted to be marked by the trial Court without deciding about their relevancy and admissibility.

4. In the opinion of this Court, the proceedings under the Domestic Violence Act is not a criminal prosecution, but it is essentially a procedure contemplated for providing expeditious relief to deserted women. It is more or less quasi civil in nature. At the time of allowing the petition filed under Section 311 Cr.P.C, it may not be necessary to decide the admissibility of the documents. It is always open to the petitioner to raise his objections in respect of the admissibility of the documents at the time of marking the same and the documents can be marked subject to the objections, as held by the Supreme Court in Bipin Shantilal Panchal Vs. State of Gujarat & Another [(2001) 3 SCC 1].

5. Hence, this petition is closed with liberty to the petitioner to raise his objections at the time of marking of the documents and the objections can be considered by the trial Court in the final judgment so that the Appellate Court will have opportunity to examine the said documents. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mk/lok

To

1. The Additional Mahila Court, Egmore
at Allikulam Complex,
Chennai-3(FAC).
2. The Government Advocate (Crl. Side)
High Court, Madras.

+1cc to Mr.P.Rathanavel, Advocate, S.R.No.24826

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