

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision No.393 of 2015
&M.P.No.1 of 2015 & Crl.M.P.No.2375 of 2016

S.Elaiyaraja

.. Petitioner/Respondent

.. Vs ..

Chithra

though the Protection Officer
Social Welfare Department
Singaravelar Maligai
Rajaji Salai
Chennai - 1.

.. Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Crl.M.P.1722 of 2015 in C.C.4202 of 2013 on the file of the Hon'ble X Metropolitan Magistrate, Egmore, Chennai, set aside the order passed on 18.04.2015.

For Petitioner : K.Sivakumar

For Respondent : Mr.M.Vivekanandan

JUDGMENT

The Criminal Revision has been filed to call for the records in Crl.M.P.No.1722 of 2015 in C.C.No.4202 of 2013 on the file of the Hon'ble X Metropolitan Magistrate, Egmore, Chennai, and set aside the order passed on 18.04.2015.

2. The respondent herein has filed the petition under Domestic Violence Act, on the file of the Hon'ble X Metropolitan Magistrate Court, Egmore, Chennai, and the same was taken on file in C.C.No.4202 of 2013. After conducting trial, the learned X Metropolitan Magistrate Court, Egmore, Chennai, passed the order on 12.02.2015, which is extracted as under:-

- " The 1st respondent is prohibited from
- a) committing any act of domestic violence
 - b) aiding or abetting in the commission of acts of domestic violence
 - c) attempting to communicate in any form,

whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

d) alienating any assets; including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate

e) causing violence to the dependents, other relative or any person who gives the aggrieved person assistance from domestic violence

ii) The 1st respondent is liable to pay Rs.2,500/- to the complainant towards monthly rent for her residence with her two children.

iii) The 1st respondent is directed to pay Rs.7,000/- per month towards maintenance from the date of the complaint. The arrear amount from September 2013 to January 2015 shall be paid by the 1st respondent within two months.

iv) The monthly maintenance from 2015 shall be paid by the 1st respondent to the complainant on or before 5th day every succeeding month.

v) The vehicle TATA ACE in bearing No.TN30 AC 1963 is handed over to the complainant within a month.

vi) The 1st respondent is directed to pay a sum of Rs.3,00,000/- to the complainant towards compensation within two months."

3. Aggrieved against the order of the learned X Metropolitan Magistrate Court, Egmore, Chennai, the petitioner herein has preferred an appeal on the file of the Principal District Judge, Chennai in Crl.A.No.73 of 2015.

4. Since the petitioner has not paid the arrears of maintenance amount from September 2013 to January 2015, within two months from the date of the order 12.02.2015, the respondent herein preferred the Crl.M.P.No.1722 of 2015 in C.C.No.4202 of 2013 before the X Metropolitan Magistrate Court, Egmore, Chennai. Consequently, the X Metropolitan Magistrate Court, Egmore, Chennai issued NBW to the petitioner herein on 18.04.2015. Against the order of the X Metropolitan Magistrate Court, Egmore, Chennai, in Crl.M.P.No.1722 of 2015 in C.C.No.4202 of 2013 dated 18.04.2015, the petitioner herein is before this Court with this present Criminal Revision.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Admittedly, the petitioner herein has to pay the arrears of amount to the respondent. The matter pertaining to Domestic Violence Act, a careful perusal of entire records, this Court

does not find any reason to interfere in the order of the trial Court. Hence the order passed by the learned X Metropolitan Magistrate Court, Egmore, Chennai in CrI.M.P.No.1722 of 2015 in C.C.No.4202 of 2013 dated 18.04.2015 is confirmed. However the petitioner is directed to appear before the learned X Metropolitan Magistrate Court, Egmore, Chennai, after paying arrears of amount as on date.

7. Accordingly, the Criminal Revision is dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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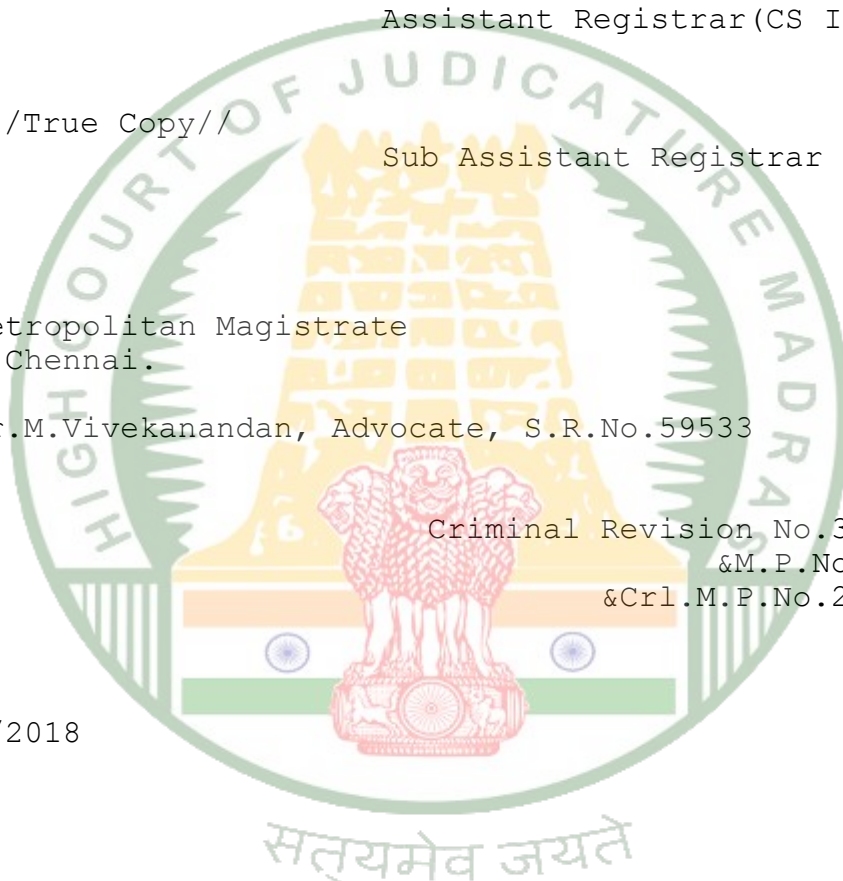
The X Metropolitan Magistrate
Egmore, Chennai.

+1cc to Mr.M.Vivekanandan, Advocate, S.R.No.59533

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RJ(CO)

rrs 24/10/2018



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