

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM:

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

Crl.O.P. No.12592 of 2018
& Crl.M.P. No.6762
& 6763 of 2018

1 Joseph Alex Vasanthakumar
2 Lourdu Mary

Petitioners

vs.

F.J. Mariat Precilla Cynthia

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the proceedings of the Domestic Violence Case in D.V.C. No.3 of 2016 pending on the file of the Judicial Magistrate No.I, Poonamallee, Tiruvallur District and quash the same (as null and void).

For petitioners Mr. R. Kandasamy

ORDER

This Criminal Original Petition has been filed seeking to call for the proceedings in D.V.C. No.3 of 2016 pending on the file of the Judicial Magistrate Court No.I, Poonamallee, Tiruvallur District and quash the same.

2 The respondent initiated proceedings in D.V.C. No.3 of 2016 before the Judicial Magistrate Court No.1, Poonamallee against the petitioners herein challenging which, this quash application has been preferred.

3 It is seen that the petitioners have entered appearance before the Trial Court and they have also filed their counter affidavit, wherein, they have taken a stand that the first petitioner did not marry the respondent and that he had only live in relationship with the respondent.

Since this is a disputed question of fact, the same cannot be gone into in a quash petition. Hence, this Criminal Original Petition is closed with liberty to the petitioners to raise all the points before the Trial Court. However, the second

petitioner is directed to appear before the Trial Court and execute a bond for Rs.5,000/- without sureties under Section 88 Cr.P.C. undertaking that she will not dispute her identity; that the counsel nominated by her will cross-examine the witnesses without adopting dilatory tactics and that she will appear before the Trial Court whenever required, on intimation to the counsel nominated by her. Thereafter, the presence of the second petitioner before the Trial Court is dispensed with, until further orders of the Trial Court. Connected CrI.M.P. No.6762 of 2018 is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

cad

To

1 The Judicial Magistrate No.I
Poonamallee
Tiruvallur District

2 The Public Prosecutor
Madras High Court
Chennai - 600 104

+1cc to Mr.Kandasamy, Advocate SR.No.31978

CrI.O.P. No. 12592 of 2018

GN(09/05/2018)

सत्यमेव जयते

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