

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12800 of 2018

and Crl.M.P.No.6953 of 2018

P.Duraisamy ... Petitioner

Vs

Chandiragandhi ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and quash the proceeding in D.V.A.No.22 of 2017 pending on the file of the Judicial Magistrate Court-V, Coimbatore.

For Petitioner : Mr.S.Saravanan

O R D E R

This petition has been filed to quash the proceedings in D.V.A.No.22 of 2017 on the file of the Judicial Magistrate Court-V, Coimbatore.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.For the sake of convenience, the parties will be referred to by their name. Duraisamy got married to Chandiragandhi about 40 years back and they have two children through the wedlock. On account of matrimonial discord, the spouses appear to have got estranged. Duraisamy has filed a suit in O.S.No.373 of 2017 before the District Munsif Court, Coimbatore and an order of interim injunction has been granted in his favour restraining his wife from entering his house. While so, Chandiragandhi has initiated proceedings under the Domestic Violence Act in D.V.A.No.22 of 2017 before the learned Judicial Magistrate-V, Coimbatore. Challenging which, Duraisamy is before this Court.

4.Learned counsel for Duraisamy contended that in view of the injunction order granted by the Civil Court, the proceedings initiated by Chandiragandhi is an abuse of process of law.

5. In the opinion of this Court, Chandiragandhi has resorted to the provisions under the Domestic Violence Act for redressal. The Domestic Violence Act is intended to provide relief for estranged women. Since, there are prima facie materials in the petition filed by Chandiragandhi, this Court is of the view that this is not a fit case to interfere with the proceedings. Hence, this petition is dismissed with liberty to Duraisamy to raise all the points before the trial Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate Court-V,
Coimbatore.

+1cc to Mr.S.Saravanan, Advocate Sr.34505

Cr1.O.P.No.12800 of 2018

srg 07/06/2018

सत्यमेव जयते

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