

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.14696 of 2018

and

Cr1.MP.Nos.7435 & 7436 of 2018

1.V.Aroulperunzothy  
2.Mouthiyan  
3.Thamilselvi  
4.Malliga  
5.Subha

....Petitioners

Vs.

V.Thillaikarasu

.... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records pertaining to an application filed in DVC.No.10 of 2018 pending on the file of the Judicial Magistrate-I, Puducherry and quash the same.

For Petitioner : Mr.M.Palanivel

O R D E R

This criminal original petition has been filed to call for the records in DVC.No.10 of 2018 pending on the file of the Judicial Magistrate Court No.I, Puducherry and quash the same.

2. The respondent, who is aged about 77 years, is the mother of the petitioners 1 & 2 and she has initiated proceedings in DVC.No.10 of 2018 before the Judicial Magistrate No.I, Puducherry, claiming various reliefs under the Domestic Violence Act, challenging which, the respondents therein have filed the present quash petition.

3. Mr.M.Palanivel, learned counsel for the petitioners submitted that the petitioners have provided sufficiently for maintenance of the respondent, despite which, the respondent has filed the present petition in order to harass the petitioners. The learned counsel for the petitioners also contended that the respondent has taken away a sum of Rs.22 Lakhs from the family account and that it cannot be stated that she is living in penury.

4. In the opinion of this Court, this disputed questions of fact cannot be gone into in a quash petition filed under Section 482 Cr.P.C. Since there are prima facie materials for a full fledged trial, this is not a fit case in which the proceedings can be quashed at the threshold.

5. In the result, this petition is dismissed with liberty to the petitioners to raise all the points before the trial Court and the petitioners are directed to appear before the trial Court and execute a bond under Section 88 Cr.P.C., for Rs.5,000/- without sureties. Thereafter, the presence of the petitioners 3, 4 & 5 is dispensed with before the trial Court on condition that they shall engage a counsel to cross-examine the witnesses on the day they are examined in chief. As and when their presence is required for a particular hearing, the trial Court may intimate the learned counsel on record and the petitioners 3, 4 and 5 shall appear before the trial Court. The trial Court is directed to complete the trial in D.V.C.No.10 of 2018 within a period of six months from the date of receipt of a copy of this order, provided the petitioners herein co-operate. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

mk  
To

The Judicial Magistrate-I,  
Puducherry.

+1 CC to Mr.M. Palanivel, Advocate sr 34880.

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SP(12/06/2018)

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