

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15784 of 2018
and CRL.M.P.No.8077 of 2018

1.Pradeep
2.Selvi
3.Prabu

.. Petitioners
Vs

Priyanka .. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in DVA.No.3 of 2018 on the file of the
Judicial Magistrate No.II, Coimbatore and quash the same.

For Petitioners : Mr.T.Elumalai
For Respondent : Mr.N. Anbazhagan

O R D E R

This petition has been filed to quash the proceedings in
DVA.No.3 of 2018 pending on the file of the Judicial Magistrate
No.II, Coimbatore.

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

3.Priyanka got married to Pradeep on 02.04.2017 and after
marriage, their relationship soured. Priyanka has initiated
proceedings under the Domestic Violence Act in DVA.No.3 of 2018
before the Judicial Magistrate No.II, Coimbatore claiming
various reliefs as against Pradeep, his mother Selvi and his
younger brother Prabu. Challenging the proceedings, Pradeep,
Selvi and Prabu are before this Court.

4.On 19.06.2018, this Court passed the following order :
"Notice of motion returnable in four weeks.
Private notice is also permitted.

2.The personal appearance of the petitioner Nos. 2
and 3 before the trial Court is dispensed with on
condition that the first petitioner shall deposit a
sum of Rs.5,000/- (Rupees Five Thousand only) without
prejudice to this case to the credit of D.V.A.No.3 of

2018 on the file of the Judicial Magistrate Court No.II, Coimbatore, before 5th of every English calendar month and on such deposit being made, the respondent will be entitled to withdraw the same. As regards the month of June 2018, the first petitioner shall deposit a sum of Rs.5,000/- on or before 29.06.2018.

Post the matter after four weeks."

5.On receipt of notice, Pradeep has entered appearance through counsel Mr.N.Anbazhagan, who submitted that the petitioners are regularly depositing Rs.5,000/- per month as directed by this Court. On a complete reading of the petition in DVA.No.3 of 2018, this Court finds that there are no serious allegations as against Prabu. However, there are some allegations as against Pradeep and Selvi. Under such circumstances, the proceedings as against Prabu in DVA.No.3 of 2018 is hereby quashed.

6.The proceedings as against Pradeep and Selvi in DVA.No.3 of 2018 shall proceed in accordance with law. However, the presence of Selvi before the trial Court is dispensed with, on condition that she engages an Advocate and gives an undertaking that her Advocate will cross-examine the witness on the day, when they are examined in-chief and that, she will not dispute her identity. As and when the presence of Selvi is required, the trial Court may inform the counsel nominated by her and Selvi shall be present for hearing. The trial Court is directed to complete the proceedings in DVA.No.3 of 2018 within a period of six months from the date of receipt of a copy of this order, provided there is no any other legal impediment. Pradeep/1st petitioner shall continue to deposit Rs.5,000/- as directed by this Court in the order dated 19.06.2018.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

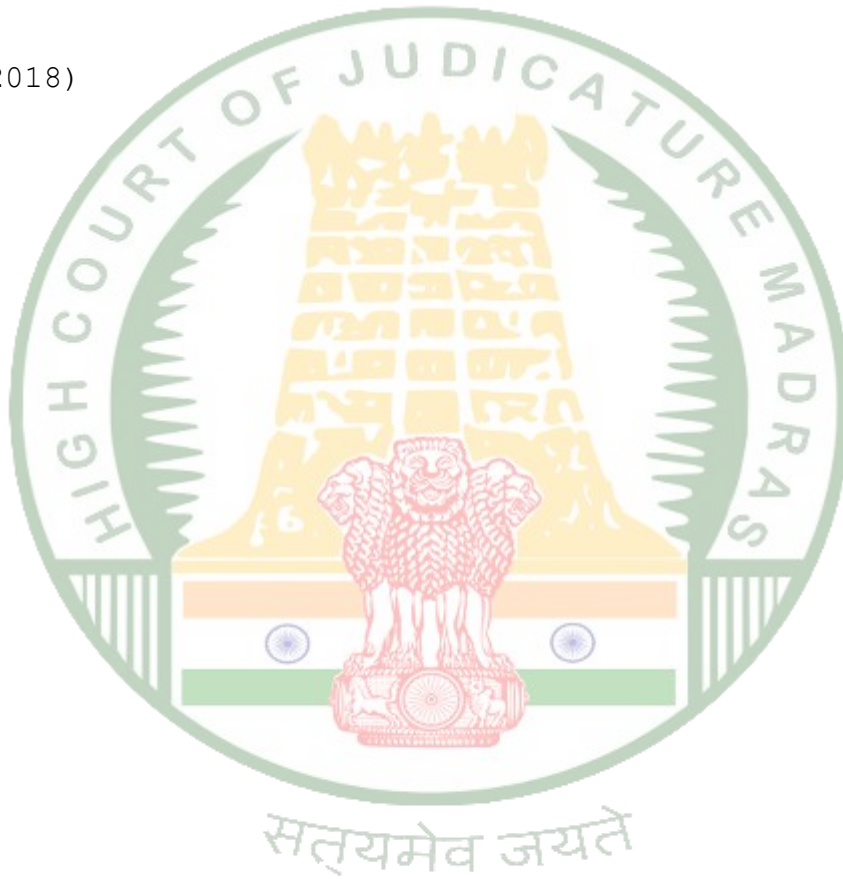
1. Judicial Magistrate Court No.II,
Coimbatore.

2. Do Thro The Chief Judicial Magistrate, Coimbatore

+1 CC to Mr.T. Elumalai, Advocate sr 49807.
+1 CC to Mr.N. Anbazhagan, Advocate sr 49928.

CRL.O.P.No.15784 of 2018

SKV (CO)
SP (09/08/2018)



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