

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16656 of 2018
and
Crl.MP.No.8598 of 2018

K.Thirugnanasambandham

.. Petitioner

Vs

T.Amulu

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of DVC No.1 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Cuddalore and quash the same.

For Petitioner : Mr.R.Arumugam

O R D E R

This Criminal Original Petition has been filed to call for the records in DVC No.1 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Cuddalore and quash the same.

2. It is seen that the respondent has initiated a proceeding against the petitioner under the Protection of Women from Domestic Violence Act, 2005, on the allegation that the petitioner had physical relationship with her since 2002 and even agreed to take her as 2nd wife and that he had deserted her.

3. The learned counsel for the petitioner submitted that the petitioner is already a married person and that the respondent was not aware of the same.

4. However, on a perusal of the records, it cannot be stated that the respondent is totally a stranger to the petitioner inasmuch as the petitioner himself has filed a suit in O.S.No.285 of 2002 before the District Munsif Court, Cuddalore, for declaring that the respondent is not his wife and thereafter, he himself has withdrawn the suit on the ground that the matter has been settled out of Court. In the complaint filed by the respondent under the Protection of Women from Domestic Violence Act, 2005, she has alleged that the petitioner had withdrawn the suit on the assurance that he will keep her as

his 2nd wife.

In such view of the matter, disputed questions of fact cannot be gone into in a petition filed under Section 482 Cr.P.C. Hence, this petition is dismissed, with liberty to the petitioner to raise all the points before the trial Court. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Judicial Magistrate,
Additional Mahila Court, Cuddalore.

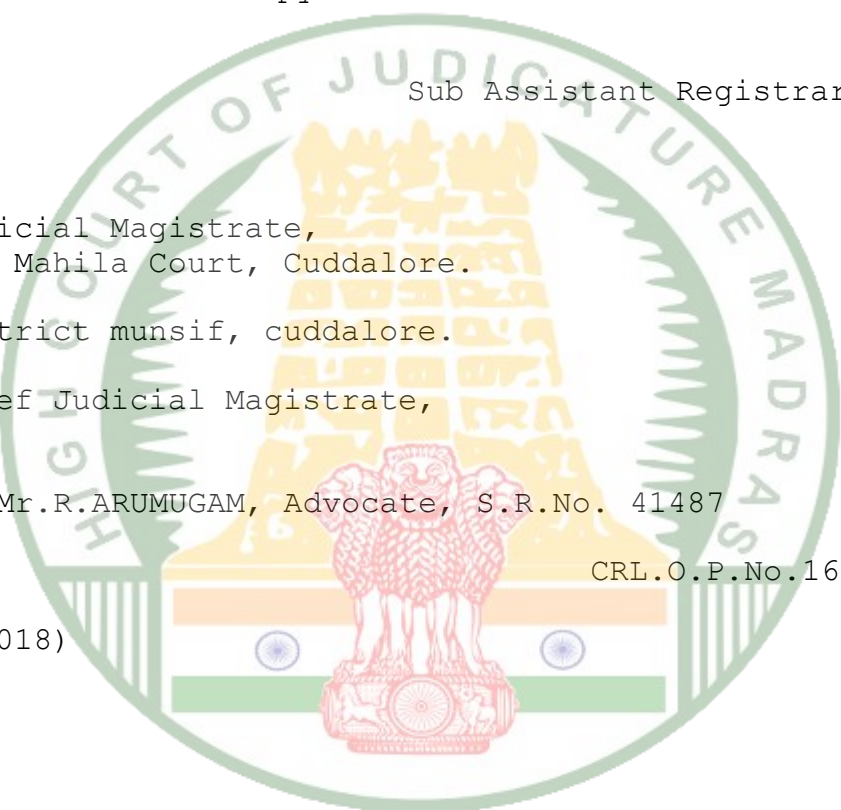
2. The District munsif, cuddalore.

3. The Chief Judicial Magistrate,
Cuddalore.

+1cc to Mr.R.ARUMUGAM, Advocate, S.R.No. 41487

CRL.O.P.No.16656 of 2018

TR(09/07/2018)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a green background with a white border. The text 'HIGH COURT OF JUDICATURE MADRAS' is written in a semi-circle around the top. At the bottom, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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