

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19853 of 2018
and
CRL.M.P.10551 & 10552 of 2018

Syed .. Petitioner/5th Respondent

Vs

1.N.Vimalamani
2.M.Karthick
3.M.Vasantha
4.Maithreyi
5.Mallayasamy
6.Mrs.Guna

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records and quash the proceeding in
D.V.A.No.3 of 2010 pending on the file of the District Munsif
Cum Judicial Magistrate Court, Mettupalayam.

For Petitioner : Mr.R.Shanmugam

O R D E R

This Criminal Original Petition has been filed to to call
for the records and quash the proceedings in D.V.A.No.3 of 2010
pending on the file of the District Munsif -cum-Judicial
Magistrate Court, Mettupalayam.

2.Heard the learned counsel appearing for the petitioner.

3. One Vimalamani got married to Karthick and their marriage
ran into rough weather. Vimalamani has initiated proceedings
under the Domestic Violence Act in D.V.No.3 of 2010 before the
District Munsif-cum-Judicial Magistrate Court, Mettupalayam,
claiming various reliefs against Karthick and 5 others,
including the petitioner herein who has been shown as 5th
respondent therein. Challenging said prosecution, the petitioner
is before this Court.

4. Learned counsel for the petitioner submitted that the
petitioner is a tailor by profession and he is a good friend of
the said Karthick. He contended that the petitioner is a Muslim
and he is not even related to Karthick and therefore, the very

prosecution of the petitioner in the Domestic Violence proceedings is an abuse of process of law.

5. There is much force in the submission of the learned for the petitioner. However, it is seen that the Domestic Violence Petition is pending from the year 2010 onwards and now, we are in the year 2018. If this petition is admitted and the stay is granted, the disposal of the Domestic Violence petition before the trial Court will get prolonged.

6. In the said circumstances, it will be in the interests of justice, if the personal appearance of the petitioner/accused before the trial Court, is dispensed with. Accordingly, this Court directs the petitioner to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and on his appearance, he shall execute a bond for a Rs.5,000/- without sureties under Section 88 Cr.P.C. After executing such bond, the presence of the petitioner before the trial Court in D.V.A.No.3 of 2010, shall stand dispensed with. However, as and when the presence of the petitioner is required, the trial Court may inform the counsel who entered appearance on behalf of him and on that date, the petitioner shall be present.

7. This petition is ordered accordingly with a direction to the trial Court to complete the Domestic violence proceedings within a period of six months from the date of receipt of copy of this order, provided there is no legal impediment. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

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To

1. The District Munsif Cum Judicial Magistrate Court,
Mettupalayam.

2. The Public Prosecutor,
High Court of Madras.

+1 CC TO Mr.S. Saravanan, advocate sr 55104.

CRL.O.P.No.19853 of 2018

and

CRL.M.P.10551 & 10552 of 2018

KJI (CO)

SP(31/08/2018)