

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23919 of 2017
and Crl. M.P. No.9685 of 2018,
Crl. M.P. No.13854 of 2017 and 13855 of 2017

1. K.Vinoth
2. Kumar
3. Mallika
4. Vijay

... Petitioners/Respondents

Vs.

Renuka Devi

...Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for records relating to Crl.M.P.No.2720/2017 in D.V.C.No.83/2017 on the file Additional Mahila Court at Egmore, Allikulam Complex, Chennai - 600 003 and quash the same.

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.T.S.N.Prabhakaran

ORDER

This Criminal Original petition has been filed challenging the proceedings initiated under Section 20(6) of Domestic Violence Act, 2005.

2. The 1st petitioner is the husband and the petitioners 2 to 4 are the in-laws. The respondent filed a petition under the Domestic Violence Act, 2005 seeking for the relief under Sections 18, 19, 20 and 22 of the said Act. The Additional Mahila Court at Egmore, Allikulam Complex, Chennai - 600003 by an order dated 17.06.2017 gave various directions for payment of maintenance and compensation and also issued direction order in favour of the respondent. This was an exparte order.

3. This order was not complied with by the petitioners and therefore the respondent has filed a petition under Section 20 (6) of Domestic Violence Act, 2005 seeking to enforce the order passed in her favour. The said petition was taken on file and notice was issued to the respondent. This proceedings is now put

to challenge in this Criminal Original Petition.

4. The learned counsel for the petitioner would submit that no notice was served in the Domestic Violence petition and based on the ex-parte order, the respondent is seeking to enforce the said order against the petitioners. The learned counsel for the petitioner would further submit that the in-laws have been unnecessarily added as parties in the petition. The learned counsel for the petitioner would further submit that steps are being taken to get the ex-parte order set aside.

5. The learned counsel for the respondent would submit that notice was duly served on the petitioners in the Domestic Violence petition. The order passed by the concerned Court has also become final and the present petition has been filed only to enforce the earlier order passed by the Court below. The learned counsel would further submit that this petition is not maintainable before this Court.

6. This Court has carefully considered the submissions made on either side.

7. The petitioners are virtually challenging the consequential action taken by the respondent. Until the order passed by the Additional Mahila Court in D.V.C.No.83/17 is in force, the same will bind the petitioners. Therefore, the respondent has every right to file a petition under Section 20 (6) of the Domestic Violence Act in order to enforce the said order. That cannot be made a subject matter of challenge before this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. Therefore, in the consider view of this Court, this petition is clearly not maintainable. It is left open to the petitioners to challenge the ex-parte order and to get the ex-parte order set aside and contest the same on merits. Without doing so, the petitioners cannot directly challenge the action initiated by the respondent to enforce the earlier order.

8. This Court does not find any merit in this petition and accordingly this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssr/rka

To

The Additional Mahila Court,
Egmore,
Allikulam Complex, Chennai - 600 003

+2cc to Mr.S.Arivazhagan, Advocate SR.No.86032,86654

+1cc to Mr.TSN.Prabakaran, Advocate SR.No.85944

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PP (CO)
GMY (08/01/2019)



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