

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26536 of 2018 &
CrI.M.P.No.15272 of 2018

1.M.Priya
2.Minor. M.Subashini
3.Minor.M.Nivetha

...Petitioners

vs.

1.Vaijayanthi

2.Gemini

3. Mari

4.Karmegam

5.Boopalan

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 04.09.2018 passed in Cr.M.P.No. 926 of 2018 in DV. No.5 of 2014 on the file of District Munsif cum Judicial Magistrate Court, Uthangarai.

For Petitioners : M/s.K.Thiruvengam
For Respondent :

ORDER

This Criminal Original Petition has been filed against the order passed by the learned Judicial Magistrate, Uthangarai, in Cr.M.P.No.926 of 2018, dated 04.09.2018.

2. The learned counsel for the petitioner would submit that the petitioners are the third parties to the proceedings and the order passed in D.V.No.5 of 2014 was made applicable to the petitioners and therefore, the petitioners were forced to file an application to set aside and modify the said order. This petition was dismissed by the Court below, by order, dated 04.09.2018.

3. This Court is not able to entertain this Criminal Original Petition, since the petitioner has an effective alternative remedy to file an appeal under Section 29 of

Prevention of Women from Domestic Violence Act, 2005. This appeal remedy is provided before the Court of Sessions and the appeal will lie irrespective nature of the order that is challenged whether it is interim or final. Therefore, the petitioners will have to necessarily challenge the order, only by filing an appeal before the concerned Court of Sessions.

4. In the result, this Criminal Original Petition is dismissed by giving liberty to the petitioners to file an appeal before the appropriate Court.

5. Registry is directed to return the original order copy to the the learned counsel for the petitioner, to enable the petitioners to work out their remedy in accordance with law.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kal/sbn

To

1. District Munsif cum Judicial Magistrate Court,
Uthangarai.

+1cc to Mr.K.Thiruvengadam, Advocate SR.NO.78057

sm:20.11.2018

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सत्यमेव जयते

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