

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30035 of 2018

and

Crl.M.P.Nos.17660 and 17662 of 2018

1.K.Paramasivam
2.Suguna
3.P.Kamesh
4.Eshwari

: Petitioners

Vs.

Brintha

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for all records and quash all the proceedings in D.V.SR.No.10359 of 2018 on the file of the learned Judicial Magistrate, Ambattur.

For Petitioners : Mr.P.Kumaresan

ORDER

This petition filed challenging the domestic violence proceedings initiated by the respondent is not maintainable. The petition is yet to be numbered and summon is yet to be served on the petitioners. Therefore, this petition is premature.

2.The learned counsel for the petitioner brought to the notice to this Court that an interim order has been passed in C.M.P. No.5829 of 2018, dated 29.11.2018, wherein the Court below has given a right of shared household in favour of the respondent. If the petitioners are aggrieved by the said order, the same can be challenged only by way of filing an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005.

3.This Criminal Original Petition is disposed of by giving liberty to the petitioners to challenge independently, the interim order passed by the Court below in favour of the respondent giving right of shared household by filing an appeal under Section 29 of the Act before the concerned Court of Sessions. As and when, the main petition is entertained and the

summon is issued to the petitioners, at that stage, the petitioners can challenge the proceedings, if so advised. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

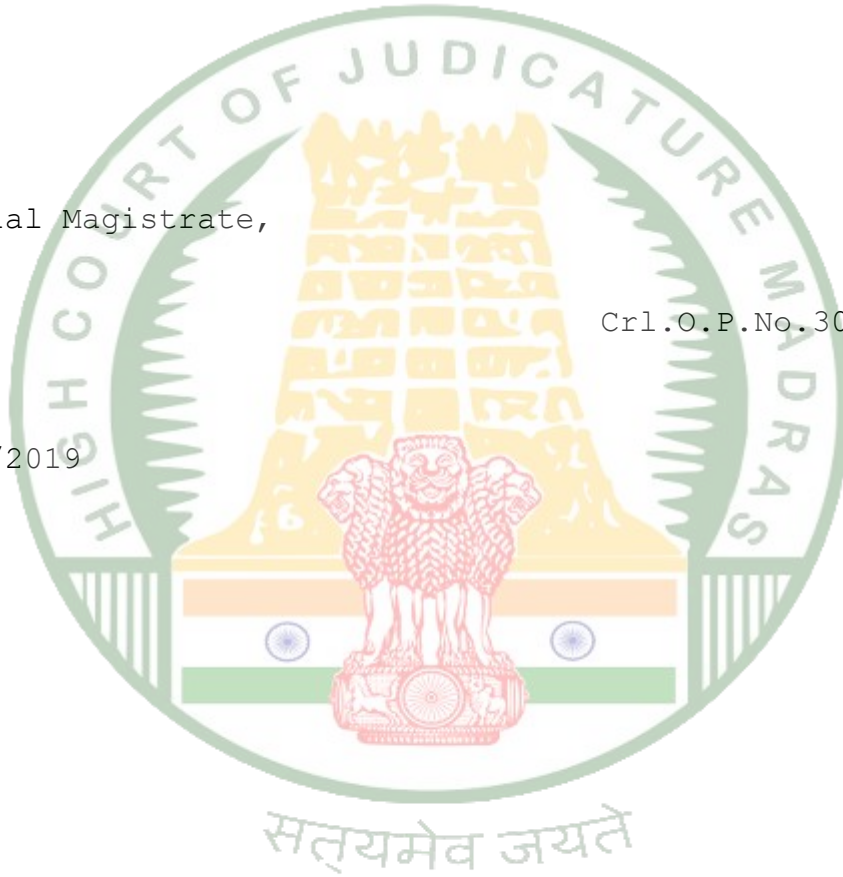
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To

The Judicial Magistrate,
Ambattur.

Crl.O.P.No.30035 of 2018

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