



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

CrI.O.P.[MD].No.17145 of 2018

and

CRL.M.P(MD)Nos.7587 and 7586 of 2018

Rajalakshmi : Petitioner

Vs.

M.Sakthimeena @ Sathiya : Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records in a case in D.V.O.P.No.4 of 2018 on the file of the Judicial Magistrate Court No.1, Sivakasi, Virudhunagar District and quash the same as against the petitioner as illegal, arbitrary, violation of law.

For Petitioner : Mr.M.Jothi Basu

ORDER

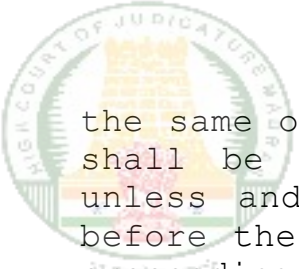
This Criminal Original Petition has been filed seeking to quash the D.V.O.P.No.4 of 2018 filed by the respondent.

2.The petitioner is the cousin sister of the defacto complainant's husband and she has been added as fourth respondent in the D.V.O.P petition. Certain allegations have been made against the petitioner in the D.V.O.P petition and relief has also been sought for against this petitioner.

3.The learned counsel for the petitioner raised several grounds by bringing to the notice of this Court, the provisions of the Domestic Violence Act and would submit that the petition under Section 12 of the Domestic Violence Act is not maintainable against this petitioner since the petitioner admittedly is not living under the same roof and a reading of the entire complaint will not make out a case insofar as this petitioner is concerned under the Domestic Violence Act.

4.This Court carefully considered the submissions made by the learned counsel for the petitioner. The legal submissions that have been made by the learned counsel for the petitioner has its roots in the peculiar facts of this case. In short, the grounds raised by the learned counsel for the petitioner is a mixed question of fact and law and therefore, this Court cannot exercise its jurisdiction under Section 482 of Cr.P.C at this stage.

<https://hcservices.courtsofgov.in/hcservices/> It is open to the petitioner to raise all the grounds before the Court below and the Court below is directed to consider



the same on its own merits in accordance with law. The petitioner shall be represented by a counsel before the Court below and unless and otherwise the presence of the petitioner is required before the court below, her presence is dispensed with during the proceedings.

6. Accordingly, this Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Judicial Magistrate Court No.1, Sivakasi,
Virudhunagar District.

+1cc to M/s.G.M.Law Office, Sr.No.87018

das

VB/PM/SAR2/17.10.2018/2P/3C

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