



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.16981 of 2013

and

M.P. (MD)No.1 of 2013

1.Senthil Kumar

2.Stella Mary

... Petitioners

Vs.

Nagamani

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with D.V.P.No.31 of 2013 on the file of the Judicial Magistrate Court No.I, Karur, and quash the same.

For Petitioners : Mr.M.Bindran

For Respondent : Mr.N.Anandkumar

ORDER

The petitioners have filed this Criminal Original Petition for quashing the proceedings in D.V.P.No.31 of 2013 filed under the provisions of Protection of Women from Domestic Violence Act. The said proceedings were instituted by the respondent herein.

2.This Court went through the complaint lodged by the respondent. In the complaint itself, the respondent had described herself as wife of one Rajendran. The petitioners herein are Senthil Kumar and Stella Marry. The respondent would allege that she had intimacy with the first petitioner herein. This Court called upon the respondent to produce the copy of the Court order, whereby the marriage between her and Rajendran was dissolved. The respondent is not in a position to produce any such document. Obviously, there cannot be any such document and even in the complaint itself, the respondent had stated that she is the wife of Rajendran. When the first petitioner herein is not the husband of the respondent, the proceedings instituted by her under the provisions of Protection of Women from Domestic Violence Act, will not lie. The learned Trial Magistrate erred in taking the same on

<https://hcservices.ecourt.gov.in/hcservices/>

Services, with no civil/criminal cases. Therefore, the proceedings in D.V.P.No.31 of 2013 on the file of the Judicial Magistrate Court No.I, Karur, shall stand quashed. This Criminal



Original Petition is allowed accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

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Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Karur.

+1CC TO Mr.M.Bindran, Advocate, Sr No.62800

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