



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Cr1.O.P.(MD)No.23372 of 2013

and

M.P.(MD)Nos.1 and 2 of 2013

Vivekananthan

... Petitioner/2<sup>nd</sup> Respondent

Vs.

1.Mariammal

2.Minor Gavaskar

3.Minor Gayathri

[Minors 2 and 3 rep. by their mother

and Guardian Mariammal]

... Respondents/Petitioners

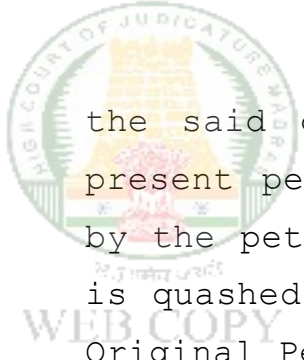
Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.M.P.No.9428 of 2013 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as against the petitioner herein.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : No Appearance

### ORDER

The respondents herein filed M.C.No.6 of 2007 under the provisions of Protection of Women from Domestic Violence Act. The petitioner herein is shown as second respondent in Cr.M.P.No.1122 of 2008 filed by the respondents herein. Relief was given in favour of the respondents herein only against the first respondent therein viz., Raju @ Sekar in the said M.C. The learned Judicial Magistrate No.II, Virudhunagar, by order dated 28.11.2012, specifically held that no relief can be given against the petitioner viz., Vivekanandan. Even though Cr.M.P.No.1122 of 2008 was dismissed against the petitioner herein, Cr.M.P.No.9428 of 2013 came to be filed against the petitioner also for breach of



the said order. When the primary order itself exonerates the present petitioner herein, the question of committing its breach by the petitioner does not arise. Therefore, the impugned summon is quashed insofar as the petitioner is concerned. This Criminal Original Petition is allowed accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II,  
Virudhunagar.

+ 1 cc TO Mr.R.Ponkarthikeyan , Advocate in SR No. 62064

smn2

AE/JC/SAR1/08.05.2018/2P/3C

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