

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7180 of 2019 and
CrI.M.P.Nos.3956 & 3957 of 2019

Govindaraj,

... Petitioner

Vs.

1.Minor Shreevanth,
2.Minor Kavin Krishna,
3.Nithya.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the complaint in M.C.No.25 of 2016 on the file of the learned Judicial Magistrate No.1, Udumalpet, and quash the same.

For Petitioner : Mr.D.R.Arun Kumar

O R D E R

This petition has been filed to quash the proceedings in M.C.No.25 of 2016 on the file of the learned Judicial Magistrate No.1, Udumalpet.

2.The learned counsel for the petitioner submitted that the marriage between the petitioner and 3rd respondent was solemnized on 05.09.2005 and they were blessed with two male children. While so, the respondent left the matrimonial house in the year 2012 and filed a divorce petition in HMOP.No.146 of 2012 and that was dismissed for default. The petitioner also filed a petition in HMOP.No.85 of 2013 before the Sub-Court, Udumalpet for restitution of conjugal rights, which was ended in favour of the petitioner directing the respondents to live with the petitioner. According to the petitioner, suppressing all the above facts, after lapse of three years, the respondent has filed a domestic violence complaint in D.V.C.No.6 of 2016 before the learned Judicial Magistrate No.1, Udumalpet as well as maintenance case in M.C.No.25 of 2016. He further submitted that the respondent left the matrimonial home on her own volition and

as such she is not entitled for any maintenance. Hence, he seeks to quash the proceedings in M.C.No.25 of 2016.

3.Heard the learned counsel for the petitioner and perused the materials on record.

4. It is seen that the points raised by the petitioner are factual aspects and question of quashing the proceedings in M.C.No.25 of 2016 does not arise at all. All the points are to be raised before the trial Court during the trial. This Court does not find any merits in this petition to quash the proceedings in M.C.No.25 of 2016. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

5. However, considering the fact that Domestic Violence case is pending from 2016, the learned Judicial Magistrate No.1, Udumalpet, is directed to complete the trial within a period six months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm
To

1. The Judicial Magistrate No.I,
Udumalpet.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.D.R.Arun Kumar, Advocate Sr.26144

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srg 23/04/2019