

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12724 OF 2019

Arvind Ahuja

... Petitioner

Vs.

1. Shashi Ahuja
2. The Protection Officer,
ICDS Project IV,
Department of Women and Child Department,
Muthialpet,
Puducherry.

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to assist the petitioner in recovering his documents/articles as mentioned in his representation dated 16.04.2019 from the custody of the 1st respondent. Mr.Bharathi Chakravarthy, learned Public Prosecutor, Puducherry takes notice for the 2nd respondent.

For Petitioner : Mr.Wilson, Senior Counsel
for Mr.A.Devnarendaran

For 2nd Respondent : Mr.Bharathi Chakravarthy
Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the 2nd respondent to assist the petitioner to take his documents/articles, which is lying inside the quarters under the occupation of the first respondent.

2. The first respondent has initiated proceedings under Domestic Violence Act against the petitioner in DVC No.28 of 2019, seeking for various reliefs. In the said proceedings, the first respondent filed a petition in Cr1.M.P.No.2029 of 2019, wherein, she sought for a relief against the petitioner by restraining him from interfering into the quarters under the occupation of the first respondent.

3. The learned Judicial Magistrate-I, Puducherry, by virtue of an interim order dated 16.04.2019, allowed the

petition and granted interim direction restraining the petitioner from interfering into the quarters. The court below further directed the 2nd respondent to ensure the compliance of the order.

4. Mr. Wilson, learned Senior Counsel, appearing on behalf of the petitioner submitted that the petitioner will independently agitate his rights before the court below and he does not want any variation in the interim order passed by the court below. The learned Senior Counsel further submitted that the only grievance of the petitioner is that his belongings/articles are lying inside the quarters and he is not in a position to take the same, since it may be considered as a violation of the interim order passed by the court.

5. The learned Senior Counsel further brought to the notice of this court about the representation dated 26.04.2019 made to the 2nd respondent in this regard, wherein, the petitioner had requested the 2nd respondent to permit him to take his personal belongings from the quarters under the occupation of the first respondent. Even though the representation was received by the 2nd respondent, since no action has been taken, the petitioner is constrained to approach this court seeking for an appropriate direction.

6. Taking into consideration the submission of the learned Senior Counsel and also the materials placed on record, this court is inclined to direct the 2nd respondent to consider the request made by the petitioner on 26.04.2019 and allow him to take his personal belongings, which are listed in the representation. It is made clear that this order does not give any right to the petitioner to interfere with the first respondent's occupation of the quarters. This order confines itself to the effect that the 2nd respondent will enable the petitioner to take away the personal belongings from the quarters. All the other issues shall be independently agitated by the petitioner in the pending proceedings in accordance with law.

7. Accordingly, the criminal original petition is disposed of.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

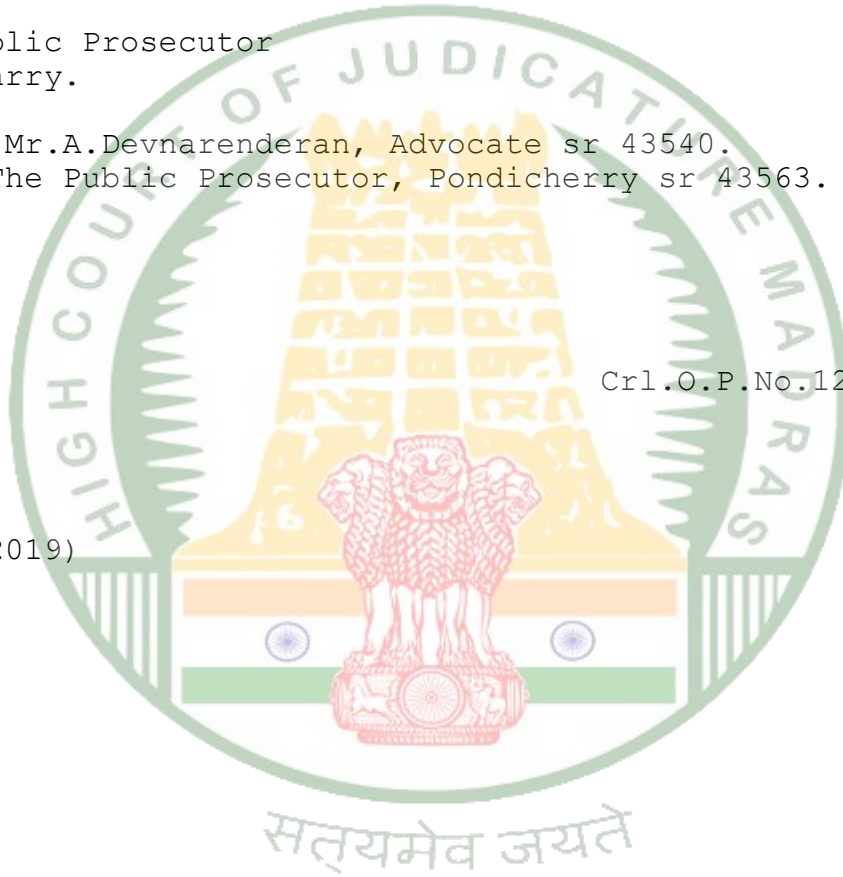
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To

1. The Judicial Magistrate-I,
Puducherry.
 2. The Protection Officer,
ICDS Project IV,
Department of Women and Child Department,
No. 38 MG Road
Muthialpet,
Puducherry.
 3. The Public Prosecutor
Puducherry.
- +2 CCS to Mr.A.Devnarendran, Advocate sr 43540.
+1 CC to The Public Prosecutor, Pondicherry sr 43563.

Crl.O.P.No.12724 of 2019

GJII (CO)
SP(16/05/2019)



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